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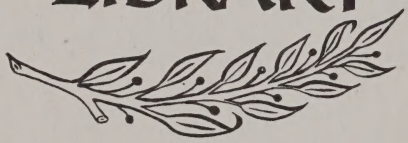

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NOTICE.

Those Subscribers to the North American Review, who have not received the Numbers (XLVI and XLVII) for January and April, 1825, are informed, that new editions of those numbers are completed.

Reprints of the *Old Series* have also been executed, and full sets, both of the *Old* and the *New Series*, can now be supplied; and also single copies of any number from the beginning of the work.

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NORTH AMERICAN REVIEW.

No. L.

NEW SERIES, NO. XXV.

JANUARY, 1826.

ART. I.—*Transactions of the American Philosophical Society, for promoting useful Knowledge.* Vol. II. New Series. A. Small. Philadelphia. 4to. pp. 503.

THE American Philosophical Society was instituted at Philadelphia, about eighty years ago, chiefly through the instrumentality of Dr Franklin. The elevated genius and ardent love of knowledge, which were among the rare traits of this great philosopher and statesman, impelled him by all practicable means not only to discover, but to communicate truth, not only to develope the principles of nature and the laws of social intercourse, but to make his acquisitions useful to the greatest possible extent. Franklin was truly the friend of his species, and believed no labor without its reward, which taught men the art of understanding and improving their condition, or, in other words, the art of securing their independence, prosperity, and happiness, by their own exertions. All his researches in physical science, politics, morals, and the economy of life, aim at utility; he employed philosophy as an instrument of good to mankind, and converted knowledge to its proper ends. In these intellectual habits of Franklin originated the Philosophical Society at Philadelphia.

For several years the Society was little more, than an association of scientific gentlemen, for the purpose of aiding one another in their pursuits by conversation and concert. The meetings of the Society were also frequently interrupted

during the revolutionary war. But the activity of its members did not cease, and their labors have been recorded in successive volumes of Transactions. In the present article our attention is drawn to the volume last published, being the eighth from the beginning, and the second of the new series. The Society ranks among its numbers some of the most distinguished men of letters and science in this country and in Europe, and many of the contributions to its Transactions are from high sources. The meetings are held in a handsome and commodious building in Philadelphia, which belongs to the Society, and which contains a library of about six thousand volumes, and various specimens of natural history. The catalogue of this library, formed under the immediate direction of Mr Duponceau, is one of the best, in the methodical and philosophical principles of its arrangement, that we have ever seen. The original purpose of the Society was the cultivation of the physical and exact sciences, and to this it was long confined. The plan has recently been enlarged, by embracing history, moral science, and general literature. The standing committee, appointed for this department, published six years ago a separate volume, with encouragement that another would in due time appear. We hope the time will soon arrive. This new department reaches to so wide a compass of interesting inquiry, that it cannot fail to enlist more able minds in the cause of the Society, and thereby increase its dignity and extend its usefulness. The presidents have been successively, Benjamin Franklin, David Rittenhouse, Thomas Jefferson, Caspar Wistar, Robert Patterson, and William Tilghman, the present distinguished Chief Justice of the Commonwealth of Pennsylvania.

This Society, not more on account of its antiquity and the high character of its members, than of its objects and its past labors, justly claims the respect of all lovers of science, and friends of improvement in this country. Amidst the numerous societies, which are almost daily shooting up around us, with pompous titles and long lists of officers, with constitutions, and bylaws, and boasts of great projects in hand, but which sink away and go out of sight, after a little vain bustling on the part of a few zealous candidates for the offices at the next election, when their names may appear at full length as part of the news of the day, or perhaps at the bottom of

a report detailing with great formality, what the society intends to do; we say, in the midst of all this empty parade and pretence, it is with sincere pleasure that we can look up to the Philosophical Society, and the Academy of Natural Sciences, in Philadelphia, as institutions creditable to themselves and the country, by the dignity of their objects, and by the steady and substantial efforts with which these objects are prosecuted. A very few others may be entitled to a similar preference, but the number is exceedingly small. We could wish, indeed, that our own American Academy, whose doings have been so laudable in years gone by, would more frequently give other tokens of its existence, than the annual list of new members published in the newspapers. We do not object to literary and scientific associations; on the contrary, we believe they may be made the means of vast improvement to individuals and to the community; but we confess that we have no patience with the growing fashion of building up these associations, and enlarging them, merely for a noise and a puff, as a convenient mode by which a number of persons may keep each other in countenance in making pretensions, which, singly, they would never dare to make, and which, under no circumstances, can they ever realise. The whole business is arrant quackery, and although it breaks no bones, nor administers any poison, yet it deceives the public, and as far as any effect is produced, it is to bring literature and science into disrepute.

The present volume of Transactions contains several important papers, some of which are so purely scientific, that we should fail in any attempt to analyse them, were such an analysis within the scope of our journal. Three or four may be selected, however, on which we trust a few observations will not be unacceptable to our general readers. The paper by Dr Drake, containing a *Geological Account of the Valley of the Ohio*, is curious not more for its facts, than for the ingenious speculations of the author, in attempting to account for certain geological phenomena in the western country. His paper is accompanied with a profile of the valley of the Ohio, running transversely across the river at Cincinnati, and indicating the alluvial formations on each bank of the river at that place.

The banks of the Ohio, like those of the Connecticut, and in fact we believe of most of our rivers, are composed of two or three platforms, or distinct plains, rising one above another by elevations varying from ten to fifty feet. These platforms are alluvial, extending from hill to hill across the valley through which the river finds its passage, and have evidently been deposited at some former period by the waters of the river. But it is common for the highest platform, or that bordering on the mountainous or hilly formation, to be sixty, eighty, and even a hundred feet above the highest level to which the river now rises. The necessary result is, that the quantity of water which flowed in the river, when these deposits were made, was such as to fill the whole valley to that elevation, and as the water for some cause became diminished in quantity, it gathered itself into a narrower channel, and left the dry soil on its margin. One of the most singular circumstances attending this diminution of the water, is, that it seems to have been done at certain periods, and thus to have formed the regular succession of ascents and plains mentioned above. Had the subsiding of the water been uniform, the surface of the deposit would now be a gradual slope, from the base of the hills to the margin of the river. As these platforms and ascents are commonly two or three in number, on the borders of the large rivers east and north of the Mississippi, and we suppose of the Rocky Mountains, it is reasonable to refer them all to a cause acting at the same time, and to draw the conclusion, that the northern continent of America has at two or three particular seasons undergone signal revolutions, either by internal convulsions, or by the sinking of a large extent of country now occupied by the Atlantic Ocean, and thus leaving a space to be filled by the waters of the valleys, which have since dwindled into comparatively small streams. There is a difficulty, however, about the whole matter, when we ask how these immense rivers were supplied in former times, since, by the ordinary process of nature in evaporation, rains, and internal circulation, no more water is produced than enough to sustain the rivers in their present diminished channels.

Dr Drake does not puzzle himself, nor his readers, with speculations on these general bearings of the subject, but his investigations are chiefly confined to the valley of the Ohio.

He first inquires into the cause of the great excavation through which this river runs, and gives it as his opinion, that this broad valley, as well as that of the Mississippi, was originally caused by the sinking of a region now covered by the Gulf of Mexico, and thus giving a southerly current to the waters, which before that time overspread the regions at the north. In this way the great valleys were formed by the strong currents and perpetual abrasion of the waters. Another mode of accounting for the same thing would be to suppose, that the elevations and depressions of the surface, or the mountains and valleys, were produced by some violent convulsion within, and that the waters sought a passage in the most depressed parts. From various geological appearances Dr Drake thinks it quite certain, that such could not have been the origin of the great valleys and elevations of the west, although he allows that on the south of the Ohio river, in some parts of Kentucky, there are *ravines* and abrupt eminences, which indicate the action of some violent cause beneath. In modern times the river has become contracted in width, and the bed of its channel deepened. This channel is now worn many feet below the bottom of the alluvial deposits on its margin. It is continually increasing in depth, though Dr Drake says very slowly, as the current at the bottom of the river is always much less rapid than at the surface, except at the time of floods or freshets. This is easily ascertained in the summer season, when the water of the river is clear, and the bottom can be distinctly seen. Accumulations of light particles are found resting there, when the current at the surface is so strong, as instantly to carry away much heavier substances. It follows that the attrition of the water at the bottom is much less, than would be apprehended from its velocity above, and that the process of deepening the channel is extremely slow.

Dr Drake accounts for some remarkable geological appearances in the western country in a manner so curious and plausable, that we shall present his views in his own language. After describing the gravelly substances, or *debris*, which occur in the regions of the Ohio river, and which are found of a similar composition and character, as he says, all over the western and northern parts of the United States, he proceeds as follows.

'We are hence, I think, justified in the conclusion, that its origin was in the north, and that it was brought and deposited on the surface of this country by currents, which in ancient times flowed from beyond the Lakes to the Gulf of Mexico, and of which it may be regarded as the sign and the effect.

'A more recent formation, than many of the alluvial beds contained within the limits just defined, is the stratum of loam spread over the surface of our hills and valleys in an *overlaying* position. This appears to be the same, that in the north of Europe is denominated *geest*, and which Mr De Luc considers as the last deposit made by the sea before its final retreat.' 'The deposition of the *geest* seems to have been the last operation, which the waters of the north performed upon this region, and was of course subsequent to the excavation of the valleys, as no deposit could have remained upon their acclivities, while the agent which formed them continued its action. To this formation belong the great blocks of foreign primitive transition, and old floetz rocks, which have excited in travellers so much astonishment, and which, in one point of resemblance at least, approximate the region south of Erie, Huron, Michigan, and other lakes, so closely to that which stretches from the southern shores of the Baltic Sea.

'These masses in the neighborhood of this place, [Cincinnati,] are for the most part solitary, but in the interior of the State it is not uncommon to find them grouped into heaps, which are slightly covered with soil; and it is, I suspect, an aggregation of this kind, on one of the Islands of Lake Huron, that a British officer mistook for granite *in place*. The size of these masses extends from that of gravel and pebbles to the diameter of eight or ten feet. The larger blocks are frequently found *upon* the old alluvial plains, but never, that I have understood, *within* them. Their geographical range is over the same region with the smaller foreign *debris* of our valleys, but more limited to the south west. I have never seen a single block on the opposite side of the Ohio, and am not informed that any have been observed lower than the thirtyninth degree of latitude.

'I do not entertain a doubt, that these fragments were enveloped in large fields of ice in a region far beyond the Lakes, and floated hither by the same inundations, that brought down and spread over the surface of this country the *geest* in which they are imbedded. In the southern parts of this formation they are not found; but this should be attributed to the influence of the climate. The ice, to which they were attached, could not of course pass a certain latitude; and from the great increase of these masses as we advance towards the north, it would seem that many of the icebergs suffered dissolution long before they arrived at this *maximum*. Future

observers will no doubt trace them to their parent strata in the arctic regions, as Von Buck has traced those, which are lodged on the shores of the Baltic. The ice islands of the Atlantic ocean may reasonably be supposed to bring down, and deposit on its bed in the Temperate zone, primordial masses similar to those spread over some parts of this and the European continent. These islands are, I believe, not often seen further south than the fortyfirst degree, near two degrees north of their southern boundary here. This is probably attributable to the Gulf Stream; but for which, the larger tracts of ice would undoubtedly attain as low a latitude as the southern limits of the primitive blocks in this country; and hence a probable conclusion may be drawn, that the temperature of the northern hemisphere has undergone but little change, since the remote epoch when this part of the continent was for the last time subjected to inundation.'

From these facts, and this mode of reasoning, it would seem, that at some former period the ocean flowed over this continent with a current setting from north to south, and that the present features of the earth's surface in these regions have taken their shape and character from the action of this cause. Mr Hayden has pursued the same inquiry, in regard to the rivers and soil on the Atlantic coast, and has come to the same result. The only additional proof, now required, is that mentioned by Dr Drake as having been applied by Von Buck. Let it be established, by observation, that the rocky fragments, deposited throughout the alluvial formation of this country, are of precisely the same kind as the primitive masses in the polar regions of the American continent, and the demonstration will approach a degree of certainty, which will be satisfactory to most minds.

The fifth article in the volume is one of a good deal of interest and value. It contains a series of observations, by Mr John Hamilton, on the *Winds, Currents, the Gulf Stream, and the Temperature of the Air and Water in the North Atlantic Ocean.* The tables are skilfully constructed, and the observations carry with them every appearance of accuracy. These latter were made during twentysix voyages across the Atlantic, chiefly between Philadelphia and Liverpool. It was Mr Hamilton's object to ascertain, whether any substantial results could be derived from a course of observations of this sort, which should be of uniform and permanent advantage to navigators. In summing up the

matter, however, he seems not to be very sanguine, although he clearly shows, that a methodical use of the thermometer, in determining the temperature of the water, will enable the mariner infallibly to tell, after a little practice, when he is in a current, or on soundings. He says that currents at sea are usually from two to four degrees warmer, than the water out of the current. On soundings the water is always warmer than off, although the temperature varies more than in currents, as it depends much on the depth of the water, and the position of the coast. Along the American shore the difference of temperature varies also with the seasons, it being less in summer than in the other seasons.

In navigating the Gulf Stream the thermometer is of essential use. The difference between the temperature on the north side of this current and the sea out of it averages ten degrees; on the south side it is not so much, but never less than five degrees. In summer it is less than in winter. By knowing these data, and by using the thermometer three or four times a day, the navigator may always determine when he enters the Gulf Stream. It is not easy to define the exact limits of this stream, because it is more or less affected by the winds; and after it passes the Grand Bank of Newfoundland it is divided into several branches, the main current proceeding to the south east, and the others to the east and north east. There are counter currents on each side of the Gulf Stream, but Mr Hamilton thinks the temperature of these not to be perceptibly different from that of the stream itself. The thermometer, therefore, will not indicate the counter currents; but this is not of much moment, compared with the great utility of the instrument in determining the presence of the stream itself, which, on account of the variableness of the current produced by winds and other causes, is not easy to be ascertained by any mode of calculation. Mr Hamilton says, that many navigators who profess to use the thermometer, profit little by it, because they do not begin their observations till they suppose themselves approaching the Gulf Stream, or soundings, and then, if it happens that they have entered either, the temperature is changed from that of the ocean, and they have no means of an accurate comparison. To be of any use, the observations should be daily, and regular. Were every experienced and intelligent navigator to take the pains,

which Mr Hamilton has done in forming his tables, we doubt not that a series of facts would be collected, which would greatly facilitate the navigation not only of the Atlantic Ocean, but of other parts of the world.

We have next in order a very long paper on the *Survey of the Coast of the United States*, by Mr Hassler, making nearly one half of the volume. The singular result of the efforts of the government to survey the coast of the United States, has been a source of serious regret to many, and of wonder to all, who have known anything of the subject. How many thousands have been expended in purchasing instruments, retaining engineers, forming splendid projects, and preparing for great undertakings, we shall forbear to inquire. It is well known, that no visible thing has been done, and that we yet labor under the disgrace of being obliged to resort to the British charts of our coast, as the best that have been made. Holland's Charts, published in England, at the commencement of the Revolution, or copies from them, are still the guides to our seamen, when they would ensure accuracy and safety. The soundings are corrected in Blunt's charts, but the topographical delineations are nowhere executed with so much fidelity as in the old English surveys; and even in the late war, the inhabitants of the coast were frequently surprised at seeing the British vessels of large size sailing boldly into passages and inlets, where no American had ever ventured with the lightest coasting craft. Nothing would contribute more to the success and security of our commerce, than a thorough and minute survey of the coast; on nothing could public money be more profitably, or creditably, expended; and at no time can it be done with more ease and convenience, than at the present. To defer it longer is but to perpetuate the reproach, which past neglect has so justly drawn upon the nation. Much might be said on this subject, in relation to what has been attempted heretofore, to the projects that were in contemplation, and to the history and fate of the elegant and costly instruments, which were procured in Europe, but which are now neglected and useless.

There is a memoir in the volume, written in French, by Mr Jules de Wallenstein, containing an account of *Meteorological Observations* made by him at Washington, during the

space of one year, from April 1823 to April 1824. Tables of results are also added to the memoir. Whether we regard the accuracy of the instruments, or the scientific skill of the author in using them, we presume Mr de Wallenstein's observations may justly be ranked among the best, which have been made in this country. His instruments were selected by himself in Europe, and constructed by the most eminent artists. They form a complete apparatus for observing the temperature, pressure, and moisture and dryness of the atmosphere. He begins his paper by describing these instruments, and his mode of using them. His barometer was constructed by Fortin, on the most approved principles, and was of the same kind as that employed in the Royal Observatory in Paris; his hygrometer was on the plan of Saussure; he had two thermometers by Lerebours and Fortin, and one by Troughton with Farenheit's scale. These are all briefly described.

The author's most curious remarks are those on the *horary variations* of the barometer. He gives a concise view of this interesting subject, as it has been treated by Humboldt, Godin, La Condamine, and others. It is not of a nature to be discussed in this place, but we agree with Mr de Wallenstein, that it well deserves the attention of philosophers, and of those who travel for improvement in natural science. He thinks these variations of the barometer are in some way linked with other appearances, the causes of which are yet among the secret things of nature, and supposes it probable, that 'good observations on the periodical variations of the magnetic needle, electricity, and the barometer, made by such men as Humboldt, La Condamine, Mutis, and Buch, might lead to the discovery that there is some connexion between these phenomena, or at least that one may be explained by another.' Whatever may be thought of this suggestion, it must be confessed, that these topics offer a wide and unexplored field for philosophical research. It will be at once perceived, that the influence of such discoveries must be very great, when it is considered how universal are these phenomena and their causes, and how completely they pervade all parts of physical nature. Nor does the progress of these discoveries seem so difficult, as might at first be imagined, since, as the author remarks, Mutis has already ascer-

tained a connexion between the horary variations of the barometer and the conjunctions and oppositions of the Moon, and La Place has calculated the influence, which the Sun and Moon may exercise on our atmosphere.

Mr de Wallenstein holds a high station in the Russian embassy to this country, and we will not conceal, that it is gratifying to our national feelings, that a gentleman of his character and qualifications, not more distinguished by his great and varied attainments, than by the urbanity of his manners, should take so lively an interest in the advancement of science among us, as well as in the history and progress of our institutions.

The last paper we shall notice is that on the *Language of the Berbers*, which is curious for the novelty of its facts, and its historical hints. It contains two parts; first, a short dissertation by that profound philologist, Mr Duponceau; and, secondly, letters to this gentleman from Mr Shaler, Consul General of the United States at Algiers. 'The Berbers,' says Mr Duponceau, 'are a white race of men, who inhabit the chain of Mount Atlas, and extend to the borders of the desert of Sahara. To the north of them are the Bedouin Arabs, and still farther north are the Moors, whose dominions line the south western coast of the Mediterranean. The country of the Berbers is considered as included within those dominions, but the Moorish governments have not yet succeeded, nor probably ever will succeed, in reducing these tribes to a state of complete subjection.' From recent observations it has been supposed, that these people speak an original language, peculiar to itself in its construction and idiom, and that dialects of the same language prevail quite across the northern regions of Africa, from the Cape de Verd Islands almost to the Red Sea. Mr Marsden, and some other writers, have been of opinion, that the Berber language is a remnant of the old Punic. Vater considers it the Numidian, corrupted by an intermixture of Arabic, and other idioms. Mr Duponceau is decidedly against the Punic origin, and is disposed to wait for further information, before he forms an opinion in regard to the other theory. Mr Shaler's communications throw some light on the subject. This gentleman inclines to the belief, that the language is an original one. We quote below an extract from

one of his letters. The *Kabyles*, of whom he speaks, are a race of Berbers, residing on the southern borders of Algiers and Tunis.

'The Kabyles of north Africa,' says Mr Shaler, 'are a white people; they invariably inhabit the mountains, where they maintain their independence, and probably have never been completely subjected by any of the conquerors, who have at different periods overrun this country. Each mountain usually forms an independent state, and they are often engaged in petty wars with each other, which are fomented by the Turks, who thereby sometimes succeed in extorting from them a precarious tribute; but since the days of Barbarossa, although some may have been exterminated, none have been entirely subjected to Turkish domination. Although the Kabyles are a very ingenious people, with the most tractable and social dispositions, they have not the commercial propensities of the Moors and Arabs. Independence appears to be the greatest object of their existence, as with it they cheerfully endure poverty in the most rigorous climates. Such, at least, is their actual political condition, and with such unequivocal marks of originality of character, I think they may be regarded as a safe depository of a language.

'From various causes, they may have thrown off their surplus population amongst their neighbors, and even sent out colonies in a country, that does not appear to have been ever properly settled, yet under such circumstances, having no distinct religion of their own, they might easily enough accept that of their neighbors, where nothing was hazarded by it. At this day the Kabyles are regarded as very barbarians, both in the theory and practice of Islamism. There is a foundation in Algiers expressly for their instruction, which they receive *gratis*. From what is related of the Tuarycks by Hornemann and Lyon, they are also a white people, very numerous, brave, warlike, and of an independence of manners and deportment, that displays a remarkable contrast with the servility in practice at the court of Fezzan. They inhabit vast regions intersected by deserts, have little knowledge of Islamism beyond its forms, and in several districts they are pagans. It is not therefore a great stretch of credulity to believe, that the Tuarycks are also an original unconquered people, and the depositaries of an ancient language, which being identified with that of the Kabyles, leads to the conclusion that it is one of the ancient languages of the world, which has withstood the conquests of the Phenicians, of the Romans, of the Vandals, and of the Arabs. As I have the authority of the learned Shaw for believing, that this language is radically different from the Hebrew and the Arabic, I think the premises justify this conclusion, though it would certainly be more interest-

ing to discover the language of Sanchoniathon, than the Numidian. This question, however, must be left to the decision of the learned, when its vocabulary is made more complete, and a greater insight is obtained into its grammatical forms.'

Mr Shaler has obtained partial vocabularies of the language of the Kabyles, taken by a Jewish interpreter, and a Swedish gentleman, which are printed in this paper, and compared with Dr Shaw's vocabulary. The investigation will be pursued, as opportunities occur of becoming better acquainted with the language of these people. Several particulars illustrating this subject, and confirming the suggestions in the above extract, may be expected in Mr Shaler's work on Algiers, which has already been promised to the public.

On the whole we cannot doubt, that the present volume of Transactions will fully sustain the reputation, which the Society has acquired by those it has formerly published. The first paper, containing a *Description of Insects inhabiting North America*, by Mr Thomas Say, occupies about one fifth of the volume, and the name of the author, in connexion with this department of physical science, speaks sufficiently for the character of his performance. There are other articles on topics of mineralogy, chemistry, botany, the mathematics, and one on the anatomy and physiology of the Alligator of North America. An obituary notice of the late president, Robert Patterson, is prefixed to the volume.

The best historical account of the American Philosophical Society, which we have seen, is contained in the appendix to Mr Walsh's Appeal.

Art. II.—*Hadad, a Dramatic Poem.* By James A. Hillhouse, Author of 'Percy's Masque,' and 'The Judgment.' New York. E. Bliss and E. White. 1825. 8vo. pp. 208.

The scene, in which this poem is laid, is not such a one as poetry has often inclined to select, though none could be found, as we apprehend, more appropriate to the exercise of its powers. Indeed we are surprised, that the ancient Jewish

history, full as it is of high associations, lasting sympathies, singular opinions, remarkable events, and great men, has not been a favorite and peculiar walk of the dramatic muse. Where is there a more eventful page in the book of heroes and kingdoms, than that which records the life of David, or a more splendid one, than that on which is emblazoned the reign of Solomon? And with regard to the people, who were governed by these great princes, where, we would ask, is there, or has there been a nation, who have stood forth in so high relief from the rest of the world, as the posterity of Israel? The single circumstance, that they alone worshipped the one great Creator, to the exclusion of all the gods of all other lands, is enough to confer on them an extraordinary preeminence, and a strongly distinctive character. They were proud, it is true, stiffnecked, restless, rebellious and ungrateful—but they were separate. No wonder that they called their city the Holy City; crime and pollution, after moving in pompous procession, and under the names of religion and piety, through every other city of the earth, found the gates of Jerusalem shut fast against their mockeries. No wonder that the temple was a perpetual boast, and that the perfection of beauty and glory was supposed to shine from its outward walls, and reside among its pillars and its porticos; the name of Jehovah, and his name only, was pronounced in worship there, and imparted a sublimity and majesty to the place, before which the architectural piles of Ephesus and Athens dwindled down into senseless masses of stone. Then there was that strange, mysterious brotherhood, the prophets; companions of kings, favorites and embassadors of Heaven; who denounced against the peculiar people curses and wrath, or promised the fulness of blessing; and who poured forth their prophecies, whether of mercy or woe, in strains of poetry which have never been surpassed in loftiness and beauty, if they have ever been equalled, by the genius of man.

In this remarkable light the ancient Israelites must appear, even to those who regard them merely as one of the nations of the earth, possessing no claims on their attention but such as are derived from national peculiarity. Additional claims are made, and far stronger sympathies are excited by this singular race, in the view of those who receive the dispensation by Moses as a part of their own religion, and see in their

spiritual Prince and Saviour, a descendant of the house of David. To them the literature of Judah is sacred, the sayings of the prophets are oracles, and Palestine is a land of pilgrimage. The wilderness in which the tribes roamed for forty years; the mount from whose top their prophet received the law; and every inch of that country, which came to them by promise, are to all Christians holy ground, and not to be trod upon, unless the feet are bare.

There is another association, and a melancholy one, which belongs to the land of Judea. Where are its once favored inhabitants? Where are the ancient people of God? They have given place to the barbarian and the infidel; their descendants are scattered among the gentiles, though still, as ever, remaining distinct from them; the hills are all the same, Jordan flows on as before, the very wells at which the patriarchs quenched their thirst are recognised and named by religious curiosity, but the children of the soil are far away, and a Jew is an alien in the land of his fathers.

> The cedars wave on Lebanon,
> But Judah's statelier maids are gone!

These are all circumstances of no ordinary character; such indeed as can be matched in interest by no other human history. They are all under the dominion of poetry, and only wait to be swayed, that their power may be adequately felt.

Among the most successful trials, which have been attempted in this way, we venture to rank the dramatic poem before us. The event, which our countryman has chosen for the main action of his piece, is the rebellion of Absalom. But neither Absalom, nor his father, nor Ahithophel, is his chief character, nor yet Hadad, prince of Damascus, but—start not, uninitiated reader—it is Lucifer himself, under the form, or rather animating the corpse of Hadad, who is the visible instigator of the mischief, and hero of the scene, mixing with the other characters in all their conversations as a man, and appearing as a man, though to be sure a wild and strange one, to the very end.

For so bold a conception as this, we could have pardoned a much weaker execution of it, than has really been effected. But Mr Hillhouse's temerity stops not here. He has not only made the devil his hero, but, according to established usage,

he has made his hero in love. Think of that; the devil in love! none of your inferior spirits, or fallen angels of low degree; but the arch fiend himself, desperately in love with a granddaughter of David! This, as we barely state it, appears altogether ludicrous; but in the poet's conduct of it, there is nothing ludicrous, and hardly anything which is revolting. If it had been announced at the first, as was the custom in the ancient Mysteries, that 'here comes the devil incarnate, in the shape of prince Hadad, and here comes the lady Tamar, of whom he is enamoured,' our ideas of propriety would perhaps have received an irrecoverable shock; but the secret is so well kept from us in the introductory scenes, it is so gradually unfolded, or rather hinted at, in the course of the poem, and the principal character is sustained with so much dignity, that none but a serious impression is left upon the mind of the reader, and the dialogues between Hadad, or Lucifer, and the daughter of Absalom, are the most solemn and tender in the work. The general outline of the fiend is that of Milton's Satan; and it is only when we have finished the perusal of Mr Hillhouse's drama, that we are permitted to reflect how hazardous an undertaking it was, to bring forward this same lofty, solitary being, who warred with the Almighty, and preferred to reign in hell rather than serve in heaven, to bring forward this one into the Jewish court, and occupy him with an earthly love.

But let us relate the story. Those who have not read it, will desire the recital; and those who have, will make no objection to their memory being refreshed by the repetition.

The first scene introduces to us Hadad, who is a hostage in Jerusalem, conferring with Mephibosheth, the son of Jonathan, and endeavoring, though with little direct success, to make him renounce his allegiance to David, who is represented as the usurper of a throne, which belonged of right to the descendant of Saul. Then follows a dialogue between Hadad and Absalom, in which the jealousy of the latter is successfully inflamed against his younger brother Solomon. This conference is interrupted by the prophet Nathan, at whose appearance Hadad precipitately withdraws; and here the first suspicion is awakened with regard to that person's character.

'*Nath.* Why doth that Syrian shun me? Always thus
He, like a guilty thing, avoids my presence.
Where'er I find him, and I find him ever
Closely conferring, whether roofed, as now,
Or on the walls, or in the streets, or gates,
Or the resorts of men, if I appear,
His bright mysterious eye seems conscious of me,
And soon he vanishes. I touched him once.
He turned, as he had felt a scorpion; fear
And loathing glared from his enkindled eyes,
And paleness overspread his face, like one
Who smothers mortal pain. Fierce, subtle, dark,
Designing, and inscrutable, he walks
Among us like an evil Angel.'

The same distrust is expressed in the succeeding scene by the seer to King David, joined with the counsel that the suit of Hadad for Absalom's daughter Tamar, should be rejected. The king, however, does not readily admit his advice, and especially refuses to suspect the designs and fidelity of Absalom, against whose policy Nathan also warns him.

The third scene is the beautiful one between Hadad and Tamar; which has been so often quoted, that we shall forbear transferring it to our pages. In the course of it, the seeming prince attempts, with alluring words, to instil into the mind of the loving and confiding princess, doubts of the goodness of Jehovah, and a preference for the voluptuous rites of heathen worship. But the maiden is steadfast in her faith and purity.

Repulsed in one quarter, we find the tempter busy in another, laying snares for the virtue of the youthful Solomon. The introduction to this scene is a beautiful description of Jerusalem, before which Hadad is standing alone.

'*Had.* 'Tis so;—the hoary Harper sings aright;
How beautiful is Zion!—Like a queen,
Armed with a helm in virgin loveliness,
Her heaving bosom in a bossy cuirass,
She sits aloft, begirt with battlements
And bulwarks swelling from the rock, to guard
The sacred courts, pavilions, palaces,
Soft gleaming through the umbrage of the woods,
Which tuft her summit, and, like raven tresses,
Wave their dark beauty round the Tower of David.

Resplendent with a thousand golden bucklers,
The embrazures of alabaster shine;
Hailed by the pilgrims of the desert, bound
To Judah's mart with orient merchandise.
But not, for thou art fair and turret-crowned,
Wet with the choicest dew of heaven, and blessed
With golden fruits, and gales of frankincense,
Dwell I beneath thine ample curtains. Here,
Where Saints and Prophets teach, where the stern law
Still speaks in thunder, where chief Angels watch,
And where the Glory hovers, here I war.'

Meanwhile Absalom is continually worked upon by the arts of the indefatigable seducer, till his affections are completely alienated from his father, and he plots against his crown. At the house of Obil, a creature of Hadad's, we have a meeting of the conspirators, three of whom, Ahithophel, Manasses, and Malchiah, are members of the royal council. Couriers come in, from various parts of the country, with accounts of so favorable an aspect, that the morrow is fixed on for the day of unmasked rebellion.

The fourth act opens with a scene on the top of Mount Olivet, which is crowded with fugitives from Jerusalem. King David, driven from his throne by his unnatural son, is worshipping among his household; while Joab, Benaiah, and other chieftains, marshal the multitude. We will extract a part of the scene for our readers, principally because the fierce and impetuous character of Joab is so well preserved in it.

'*Ben.* Go bid yon loiterers hasten over Kedron,
If they would march with us.
Joab. Let them abide;—
Why crawl they after us?—What seest thou, ho?
[*Addressing a Soldier stationed in a tree above him.*]
Soldier. Nothing, my lord, but people from the city
Hurrying this way.
Joab. Look not on them, fool; fix
Thine eyes upon the south.
Soldier. I do, my lord.
Joab. What seest thou toward the Prince's pillar?
Soldier. Nothing.
Joab. On that same open height beyond it?
Soldier. Nothing.

Joab. Well, nail thine eyes there.—Will the old man's prayer
Stretch out till doom? Benaiah, we lose time;
We should be now beyond Bahurim.
Ben. Be patient;
The stroke was bitter, and his heart seemed fraught
Almost to bursting.
Joab. Better rive at once,
Than meet the tender mercies of his son
By loitering here. By heaven, I'll rouse him—
Ben. Hold,
Hold, Joab!
People. Stand aside—Back there—The King!
[KING DAVID *comes forward among the People; Enter* HUSHAI, *with his garments rent; he falls to the ground, and clasps the King's feet.*]
Hush. God save my lord the King! Live I to see
My master thus! the Light, the Rock of Israel!
K. Dav. Once, Hushai, once the candle of the Lord
Beamed on my head, and like a shadowing rock,
His buckler sheltered me. Thou seest me, now,
Dark and defenceless; all my leprous sins
Wrathfully visited upon my people.
First People. What will become of us?
Second People. Alas! alas!
Heaven hath forsaken us!
Third People. Wo, wo, alas!
Joab. (*Going among them.*)
Peace with your howling! Peace! or ye shall feast
The wild beasts of the wilderness.—My lord,
We linger here while death is at our heels.
K. Dav. Hushai.
Hush. Command thy servant.
K. Dav. Turn thou back;
Mix with his council; seem as they. Thy words
May blast Ahithophel's, whose malice, else,
Will work our ruin; With us thou canst nought.—
Abiathar and Zadok stay behind,
By my commandment, with the Ark; To them
Communicate what thou canst learn of import;
They will despatch it to me by their sons,
Where I shall wait them in the wilderness.
Joab. Depart ere thou art seen.
Hush. God guard the King,
And bring him home to Zion.
K. Dav. May it please Him!'

The whole of this part of the poem is hardly more than a dramatic version of the original story, as it is related in the second book of Samuel. Obedient to the desire of his master, whose prudence and foresight are awakened, instead of stupified, by misfortune, Hushai, the faithful counsellor, returns to the city, in order to countermine and defeat the purposes of Absalom. It was the usurper's interest to press on immediately with his forces, and overwhelm his father before he could collect his friends and recover from his confusion. It was consequently Hushai's part to induce delay, by representing it as the wisest and safest course. This he effectually accomplishes. But the whole of the council scene, in which the debate takes place, is so favorable a specimen of Mr Hillhouse's powers, that we shall present it in his own words; and the rather, because, though it is inferior to none in the poem, we have not seen it extracted in any of the notices which have been given to the public.

'*The council-hall.* ABSALOM, AHITHOPHEL, MANASSES, MALCHIAH, HUSHAI, *and others, in debate;* AHITHOPHEL *speaking.*

Ahith. My lord, you know them not—you wear, to-day,
The diadem, and hear yourself proclaimed
With trump and timbrel Israel's joy, and deem
Your lasting throne established. Canst thou bless,
Or blast, like Him who rent the waters, clave
The rock, whose awful clangour shook the world
When Sinai quaked beneath his majesty?
Yet Jacob's seed forsook this thundering Guide,
Even at the foot of the astonished mount!—
If benefits could bind them, wherefore flames
The Ammonitish spoil upon thy brows,
While David's locks are naked to the night dew?
Canst thou transcend thy father? is thy arm
Stronger than his who smote from sea to sea,
And girt us like a band of adamant?—
Trust not their faith. Thy father's root is deep;
His stock will bourgeon with a single sun;
And many tears will flow to moisten him.—
Pursue, this night, or ruin will o'ertake thee.

Ab. What say'st thou, Hushai? Speak to this, once more.

Hush. I listen to my lord Ahithophel,
As to a heaven-instructed oracle;
But what he urges more alarms my fears.

Thou seest, O King, how night envelopes us;
Amidst its perils, whom must we pursue?
The son of Jesse is a man of war,
Old in the field, hardened to danger, skilled
In every wile and stratagem; the night
More welcome than the day. Each mountain path
He treads instinctive as the ibex; sleeps,
Moistened with cold dank drippings of the rock,
As underneath the canopy. Some den
Will be his bed to-night. No hunter knows
Like him, the caverns, cliffs, and treacherous passes;
Familiar to his feet, in former days,
As 'twixt the Court and Tabernacle! What!
Know ye not how his great heart swells in danger
Like the old lion's from his lair by Jordan
Rising against the strong? Beware of him by night,
While anger chafes him. Never hope
Surprisal. While we talk, they lurk in ambush,
Expectant of their prey; the Cherethites,
And those blood-thirsty Gittites crouch around him,
Like evening wolves; fierce Joab darts his eyes,
Keen as the leopard's, out into the night,
And curses our delay; Abishai raves;
Benaiah, Ittai, and the Tachmonite,
And they, the mighty three, who broke the host
Of the Philistines, and from Bethlehem well
Drew water, when the King but thirsted, now,
Raven like beasts bereaved of their young.—
We go not after boys, but the Gibborim,
Whose bloody weapons never struck but triumphed.

Malchi. It were a doubtful quest.

Hush. Hear me, O King.
Go not to-night, but summon, with the dawn,
Israel's ten thousands; mount thy conquering car,
Surrounded by innumerable hosts,
And go, their strength, their glory, and their King,
Almighty to the battle; for what might
Can then resist thee? Light upon this handful,
Like dew upon the earth; or if they bar
Some city's gates against thee, let the people
Level its puny ramparts, stone by stone,
And cast them into Jordan. Thus, my lord
May bind his crown with wreaths of victory,
And owe his kingdom to no second arm.

Ahith. O blindness! Lunacy!

Hush. I would retire ;
Ye have my counsel.
Ahith. Would thou hadst not come,
To linger out with thy pernicious talk
The hours of action.
Hush. Wise Ahithophel,
No longer I'll offend thee. Please the King——
[ABSALOM *waves him to resume his seat.*]
Ahith. By all your hopes, my lord, of life and glory,
I do adjure thee shut thine ears to him !
His counsel's fatal, if not treacherous.
I see its issue, clearly as I see
The badge of royalty,—not long to sit
Where now it sparkles, if his words entice thee.—
Never was prudence in my tongue, or now.—
Blanch'd as I am, weak, withered, winter-stricken,
Grant but twelve thousand men, and I'll go forth.
Weary, weak-handed, what can they, if taken,
Now, in their first alarm ?
Ab. Were this resolved,
We would not task thy age. What think ye, sirs ?
Manass. My lord, the risk is great : a night assault
Deprives us of advantage from our numbers,
Which in the open field ensure success ;
And news of a disaster blown about,
And magnified, just now, when all are trembling,
Might lose a Tribe, might wound us fatally.
Hushai's advice appears most prudent.
Ahith. Fate !
Malchi. I think so too, my lord.
Others. And I. And I.
Ahith. Undone !
Ab. The Council are agreed, this once,
Against you, and with them the King accords.
Ahith. (*Stretching his hands toward* ABSALOM.)
Against thyself, thy throne, thy life, thy all !
Darkness has entered thee, confusion waits thee,
Death brandishes his dart at thee, and grins
At thy brief diadem !—Farewell ! Farewell !—
Remember me !——I'll not be checked and rated,—
Branded with treason—see my hoary hairs
Hooted and scoffed at, if they're spared, indeed,
For such indignity.——Thou'lt follow soon. [*Exit.*]
Ab. Or win or lose, we walk not by thy light.

Malchi. The old man's strangely moved.
Manass. His fury seemed
Prophetical.
Ab. The Council is dissolved,
Here to assemble in the morning early,
To order for our absence. Leave us now
To private business.
Counsellors. Save our lord the King.'

While these things are going on, Tamar, shocked at her father's crime, escapes from her apartments, is rescued in the streets from violence by two ancient Jews, and is conducted by them to the temple, which she had been seeking as a place of safety. She is torn from the sanctuary, however, by Hadad, and brought back, as we are left to suppose, to her father. Just before the battle, Absalom places her under the care of Hadad, with an injunction that he should keep aloof from the turmoil, and if the fortune of the day declared for David, that he should bear her away to the palace of his old friend Talmai, king of Geshur. After this we see no more of the contending parties, but have an account of the fight from some who witness it. It is waged in the forest of Ephraim; in one part of which we are introduced to the peaceful tents of a company of Ishmaelites. Women are seen under the trees, and one is singing before the door of her tent. Presently a man comes in, with the intelligence that two mighty hosts are joining battle; and soon after Tamar, pale and fatigued, and conducted by Hadad, craves and receives the shelter and hospitality of the tent. Then we have an exceedingly animated description of the battle, given by several of the Ishmaelites, as they enter, one after another, from the field, laden with the spoil of the slain. Abimelech, the master of the tent, returns last of all, and relates the defeat of the rebels, and the death of Absalom.

'*Abim.* He fled upon a mule, and disappeared,
And had escaped I thought, though hotly followed,
Taking the wood when met upon the plain.
But as I crossed the forest far within,
A trumpet roused me. Hearing earnest voices,
I made that way, through a close brake, to spy
The danger. Near the thicket's verge, I saw
A concourse round an oak. Intent they seemed

On some great spectacle. Opening anon,
I saw him, bleeding, and transpierced with darts,
Borne past me on their shields.
Had. What was his vesture?
Abim. Fragments of purple hung about his shoulders.
Had. His arms? his helm?
Abim. Unhelm'd his head, and bare;
His breastplate sparkled, studded, and engrailed
With flowers of gold, pure burnish of Damascus.
Had. His stature—
Abim. Palm-like tall, of noblest aspect;
With ample locks that trailed upon the ground.
Had. Let Hades rise to meet him reverently,
For not a Kingly Shadow there sustained
A prouder spirit.
Abim. I have watched
His dauntless bearing through this desperate day
Too keenly to mistake. Though he miscarried,
He well deserves a valiant memory,
And fought it like a son of David.'

Hadad conceals from the guard who accompany him, the fate of their master Absalom, and sends them forth in pursuit of him. He then leaves the Ishmaelite's tent with Tamar, under pretence of pursuing their journey to a place of safety, but in reality for the purpose of obtaining undisturbed possession of her. In a dark and solitary wood, he addresses her by every possible argument, which he thinks may prevail on her to yield herself up to his power and protection. On her persisting in her resolution to return to her grandfather David, he begins to reveal his real nature, and promises her the gift of immortality, if she will but authorise the act by one consenting word. Instead of being dazzled, the princess becomes terrified, and Hadad, dismissing all caution, unfolds to her his character, and the whole course of his love. He tells her, that the first time he saw her, himself invisible, was when she returned with her father Absalom from Geshur, that he was satisfied with gazing on her and being near her, till the young Syrian, the real Hadad, won her affections; that he then first knew 'Hell's agonies, and writhed in fire, and felt the scorpion's sting;' but yet he did not harm his rival, who was killed by some outlaws while hunting among the mountains; that he then assumed his

body, and since that time had worn it, braving all the consequences of the deed for her love. Several striking circumstances are introduced, but we will not mar this highly wrought and terrible scene by transcribing them. To conclude our abstract of the story, Tamar, resisting the advances of her infernal suitor, and calling on God for aid, is dragged into a cave. A party of David's soldiers, who happen to be near, hasten to the spot; but aid of another kind had arrived before them. One of them, who had entered the cave, rushes out in an agony of terror, and gives the following answer to his companions, who ask him what he saw.

> 'One like the Cherubim,
> Dreadfully glistering, wing'd, and dazzling bright
> As lightning, whose fierce-bickering eyeballs shot
> Sparkles like arrows, filling all the cave
> With red effulgence,—smiting with grasp'd beams
> A howling, withering, ghast, demoniac shape,
> Crouched like a venomous reptile,—rage and fear
> Gleaming in his fell eyes,—who curs'd and gnash'd
> And yelled, till death's last livid agony.'

Tamar, of course, is rescued, and the withered body of Hadad, dispossessed of the foul spirit, is left upon the ground.

An observable characteristic of this poem is the equal tenor of its composition. There is nothing in it which is mean, or inconsistent with the dignity of the subject; with the exception of one incident, which we shall notice presently. In one of his other performances, 'The Judgment,' Mr Hillhouse was equally remarkable for the almost presumptuous nature of his theme, and for the reputable manner in which he bore himself through it. If we compare the two productions, we shall find quite as much genius and poetic talent displayed in the Judgment as in Hadad; but in the latter there is more maturity, greater ease, and an increased capacity expressed for a long sustained flight.

Mr Hillhouse is a careful writer. He observes all the proprieties of place, time, and character. In perusing Hadad, we were struck with his constant adherence to historical and geographical truth, and his continual allusions to the customs, manners, events, and superstitions of the people among whom he had laid his scene. His *dramatis personæ* are not mere-

ly a list of Jewish names, but they are Jews, clad in Jewish costume, living in Jewish houses, expressing Jewish opinions, and talking, as far as possible, a Jewish language. The people are the descendants of Abraham, and the country is Palestine. We have exhibited a glimpse of Joab's portrait, of David's, and of Ahithophel's; the rest are equally faithful, and Absalom's and Mephibosheth's are as marked and distinct as either of these three.

We see but little of the young Solomon; and it is in the scene where he is brought forward, that the incident occurs, which we have said is beneath the general gravity of the piece. Hadad tempts the prince by showing him a box, which contains an intoxicating perfume, and on the lid of which is depicted a glowing representation of Venus and Tammuz,—very like the snuff-boxes, we presume, which some of our beaux wear in a private pocket, and show to their particular friends. As the fiend is relating the story of the picture, the marplot Nathan enters, snatches the box from the prince, examines it, throws it on the ground, and *it flashes and rises in smoke!* We allow that the kind of temptation employed, is in perfect keeping with the character of Solomon, and his future frailties and follies; but to our taste, the snuff-box, the flashing and the smoke, are too childish and marvellous; they savour too strongly of the puppet show.

We were somewhat surprised, considering our author's habit of correctness, to find him guilty in several instances, of false accentuation. In words of every day use, casual incorrectness may pass without rigid reprehension; because the living voice of the public, and a crowd of cotemporary writers will preserve the authorised pronunciation; but among proper names, a deal of confusion may be introduced by a single respectable poet, if he does not take especial care to observe their orthoepy. If Mr Hillhouse had merely written *pre'cedence* for *prece'dence*, and *e'querries* for *equer'ies*, we should not have minded it; but we deem it our duty to point out to his notice the accentuation of *Gilbo'a* instead of *Gil'boa; Aba'na* instead of *Ab'ana; Maz'zaroth* instead of *Mazza'roth; Bethaba'ra* for *Bethab'ara; Pagi'el* for *Pa'giel;* and *Nethi'nims* for *Neth'inims.*

Here we will end our fault finding; for we did not sit down to find fault, but to express the high opinion which we

entertain of this poem, and our gratitude to the author of it. There are some folks, we know, who pretend to think it very tame in us that we do not cut up every author who falls in our way, till we can see his bones; and who charge us with loading all American writers with thick and indiscriminate praise, for no other reason than because they are American. In answer to this, we will merely remark, that we are not blind to the miserable stuff, which is constantly thrown off by the presses of our country, but that it is not often we feel any desire to soil our hands with it; secondly, that we have no compunction in confessing, that we do hail, with infinitely more delight, a good work which is produced by native genius, than one of equal quality which is sent to us from the land of our ancestors, because we stand in lamentable need of such things, and the English have a plenty of them, and moreover because we are Americans ourselves. Our third remark is, that whenever we think a work is good, whether it be poetry or prose, we shall be sure to say so.

Mr Hillhouse's Hadad is an ornament and bright addition to the literature of our country. We can send it abroad without a blush or an apology; not as being of the highest order of excellence, but as a sample of American poetry, full of beauty, dignity and interest. We read it with pleasure, and we came to its last page with regret.

ART. III.—*Reports of Cases, argued and determined in the Supreme Judicial Court of the State of Maine.* By SIMON GREENLEAF, Counsellor at Law. Vol. II. Containing Cases of the years 1822 and 1823. Hallowell. 1824.

'THE attendance of courts,' says Lord Bacon, 'is subject to four bad instruments; first, certain persons that are sowers of suits, which make the court swell and the country pine; the second sort is of those that engage courts in quarrels of jurisdiction, and are not truly "amici curiæ," but "parasiti curiæ," in puffing a court up beyond her bounds, for their own scraps and advantages; the third sort is of those that may be ac-

counted the left hands of courts; persons that are full of nimble and sinister tricks and shifts, whereby they pervert the plain and direct courses of courts, and bring justice into oblique lines and labyrinths; and the fourth is the poller and exacter of fees; which justifies the common resemblance of the courts of justice to the bush, whereunto while the sheep flies for defence in weather, he is sure to lose part of the fleece.' Had the learned chancellor continued to our own time, he might have found at least one more subject for his grave wit, in the multitude and increase of law reports.

To say nothing of the luxuriance of the English press in this department, our own country has become the field of so much legal disputation, and, consequently, of judicial decision, that it requires no despicable share of money and leisure, to supply our libraries with volumes, that publishers are continually laying before us, or to keep pace with the emphatically '*written* reason,' which they tacitly demand of us to examine as well as to purchase. But hard as it is to pay so dear for what we may call technical books, and which the world cares so little about, we want our own reports.

Our age is not peculiar in its complaint of the increase of law books. Lord Mansfield, in the middle of the last century, referred to the multiplication of this species of human industry with infinite complacency. His remark was, that though the increase was great, it did not increase the quantity of necessary reading; as the perusal of the new, frequently superseded the necessity of that of the old production. If this remark of his Lordship was true in his own time, it has certainly gained force since the period his splendid intellect adorned the British bench,—and whether he referred to books of reports or elementary works, all of our age, and especially those of our countrymen, who are destined for the bar, will feel the peculiar pertinency and meaning of the observation. Indeed, in this country, where there is a score of independent sovereignties, each supporting its own system of judicature, and more than half of them their reporters of decisions, there is consolation in the thought, that the plan of systematising the science, and reducing the disjointed and rambling principles of the system, to the subjection of essays and law treatises, has gone so far; and

whether done by Englishmen or Americans, they both deserve the thanks of the profession. In this country, therefore, we may well entertain a special regard for all elementary works of the law. And the value of such works, for the concentrating character which they are intended to possess, is yearly increasing with us. It is not a matter of little surprise, that twentyfive years ago, the best library of American reports that could be summoned by money or magic, within the circumference of the Union, might have been borne the circuits in a portfolio, while now, there are hardly less than two hundred within our territories. Valuable, then, must be such collections of legal principles, and dissertations upon them, while they serve to keep sacred and distinct the doctrines they discuss; and doubly valuable, when by the patience, and industry, and investigation of their authors, we find decisions upon those principles, collected from different parts of our country, and the reasons of those decisions brought into one comprehensive view, and confronted with the opinions of those, whose fame is in the Year Books, and who may almost be said to have fixed the immutable axioms of the law.

Numerous, however, as are the books of reports that are daily soliciting our attention, many of them are the vehicles of decisions, interesting and important in public estimation, so that, while we need not fear, with Mr Justice Buller, the 'shipwreck of the law' from the intervention of 'hard cases,' we may well hope for the safety of it in those high authorities, which our own time has seen erected like fortifications around its principles. High political excitements, and political emergencies, give occasion for legal dilemmas; and though we should be slow to believe, that any situation of things would raise questions between parties, that could hide the old 'landmarks' from the penetration of our learned jurists and judges, still the opinion may be ventured, that under circumstances of national tranquillity the science advances with surer, because soberer steps, and that we shall hereafter be induced to point to our peaceful times, as the periods of the most important decisions, and the highest juridical learning, as developed in our books of authorities. As it is, the principles of the common law are becoming every day, from such frequent application, better understood, and our judicial character more effectually established.

The character of an accomplished reporter is no ordinary acquirement. To win this reputation requires legal penetration and acumen, as well as a familiarity with principles and forms, and an adroitness in reference and application. A faithful and able reporter of judicial reasoning, gives a dignity and weight to the tribunal under whose adjudications he may sit. The method of compressing the arguments of counsel, which Mr Greenleaf has in some instances carried to an extreme, has been matter of complaint in the mouths of some men, too eminent in the walks of judicature to need such arguments at all. But we are sure, that neither the rights of parties, nor the reputation of the law, is jeoparded by such a course. Judges have all the advantages desirable, from listening to the arguments *in extenso*, and we must be content to hope, that students will go to the fountains, to which the books of decisions will so frequently direct them.

Our readers need scarcely be told, that this is not the first time that Mr Greenleaf has been before the public in a legal character. His 'Collection of over-ruled Cases,' which appeared in 1821, bore good testimony to his industry, and entitled him to high credit, as well as to the thanks of the profession. The present is the second volume of the decisions of the Supreme Judicial Court of Maine, which has appeared under his auspices, since the separation of that State from Massachusetts. Mr Greenleaf is of the order of compendious reporters. He is lucid and direct in his statement of cases; his arguments of counsel are arranged with logical exactness, and a well conceived brevity, which give us their outline well defined, and yet without any sinuosities. He is happy in his discrimination of the *onus* of the reasoning, and his consequent exposition of it. Mr Greenleaf is always concise, while throughout he never fails to be just; and this is no small praise, when the longest, or most important case in the volume, will be found to allow not above two pages to the arguments of counsel.

The present volume contains about one hundred cases, within the limits of little more than four hundred pages. Many of them are important as well as interesting. The book indicates great industry in the Court, and the decisions bear marks of precision and emphasis, which give to the ac-

curate and intelligent opinions of Chief Justice Mellen the character of strong authority. The opinion of the Court is delivered, in almost every instance, by the presiding Judge.

Though a plain case, the opinion of the Court in *Frothingham* vs *Dutton* deserves notice. The defendant in that action did not disclose the matter of his defence, but tendered issue, and claimed trial by jury, yet for withholding such disclosure, his right was denied, and he was called. On bringing the cause before the Supreme Court, upon summary exceptions pursuant to the statute, the Chief Justice observed, 'under these circumstances we are of opinion, that the defendants ought not to have been defaulted. They had a *constitutional* right to a verdict of the jury, and to call on the plaintiff to *prove* before them the demand, on which he founded his action.' The default was set aside. Now, however excellent a thing a *code of the Bar*, or the usage of a Court may be, yet when any of the provisions of the one, or the nature of the other, may go to impair a constitutional privilege, few will deny that, by such decisions, they should be virtually abolished. A Court can hardly be supposed to judge of a case, until it is laid before them, and if the party cannot make one out, it is at his own risk that he undertakes to do it. Charles Butler has said, 'That the right of interpretation should be vested in Judges, no reasonable person can deny; but to what extent it should be allowed, or, in other words, to ascertain the exact point, where judicial interpretation should stop, and legislative interpretation intervene, is a question of extreme difficulty.' The observation of this learned lawyer may be very true; but a case of difficulty has not arisen, when we are merely called on to solve the question, 'is or is not the trial by jury our right, whenever we choose to demand it?' Better, at once, that we have a French jury, such as that distinguished jurist has represented to us, and better that interpretation were declared by *arrêts*, than that such an invaluable privilege should for a moment be jeoparded.

The case of 'The Proprietors of the Kennebeck Purchase *vs* Laboree & als,' which is the most elaborate authority in the book, is one of more than common consequence, as well from the doctrine of *disseisin*, which is involved in it, as from

the judgment that is passed upon the section of the statute of March 1821, on which the defence is founded. That section contained a provision, declaring in substance, that in all real actions then pending, or which should afterwards be brought, it should not be necessary for barring the action, that the premises defended should have been surrounded by fences; but that, if the possession of the tenant, or those under whom he claimed, had been such as comported with the ordinary management of a farm, and satisfactorily indicative of such an exercise of ownership, as is usual in the improvement of it by the owner, it should be sufficient; thus changing the principles of the law of disseisin, in regard to past transactions, and virtually taking away the rights of the proprietor. The opinion is long, and ably supported by numerous authorities and strong reasoning. We can here introduce but a few passages from it.

The decision has declared that portion of the law *retrospective* and unconstitutional. After some preliminary observations, the Chief Justice goes on to say;

'The doctrine of the common law on this subject seems to be plain and well settled; a possession must be adverse to the title of the true owner, in order to constitute a disseisin; the possessor must claim to hold and improve the land for his own use and exclusive of others.' 'We are inclined to believe, that upon examination it will be found, that the principles of the common law are applied in England and New York with more strictness as regards the *occupant* of the land, than they have ever been in Massachusetts or with us, upon the doctrine of disseisin; at least so far as relates to the presumption of law in reference to the intentions of the possessor.' 'The facts relied on to prove the possession exclusive' 'must, however, be such, as at once to give notice to all, of the nature and extent of the possessor's improvement and claim.' 'It must be such an open and visible occupancy, that the proprietor may at once be presumed to know the extent of the claim and usurpation of him, who has intruded himself unlawfully into his lands, with an intent to obtain a title to them by wrong.'

These are plain principles, and well known; nor are they introduced for their novelty, but merely for the directness of their statement, and as preparatory to the train of reasoning which leads to the decision.

'According to existing laws,' says the Chief Justice, 'deeds of conveyance of real estate must be *under seal.* Such deeds, to pass

a *fee simple estate*, must contain certain legal terms; viz.—the conveyance must be to the grantee and his *heirs*. To entitle a widow to dower in her deceased husband's estate, he must have been seized of it *during the coverture*. Now if our legislature should at the next session pass a law, declaring that all deeds of conveyance of real estate, that had *before that time* been executed, or should in future be executed, should be considered and adjudged sufficient in law to pass the estate therein described, in fee simple, though such deeds were not under seal, and contained no words of inheritance; and that a widow should, in all cases be entitled to dower in her deceased husband's estate, where he had died, or might in future die, seized of such estate, at any time *before* as well as *during* the coverture;—will the principles on which a free government is founded—will the principles of common honesty and justice, sanction such a law, so far as to give it a *retroactive* effect, and thereby disturb, impair and destroy the vested rights of those, who had become the owners of the estates under *then* existing laws?'

'Let us further suppose that the action had not yet been tried, but was to be tried at this term. Let us further suppose that the legislature, at their last session, had passed a law declaring that in all actions, then *pending or that might be commenced after the passing of such act*, no adverse, notorious, and exclusive possession of the demanded premises, although surrounded with fences, should be a bar and constitute a good defence in such action; unless such possession and disseisin has, or shall have been continued for *forty* years, next before the commencement of such action. Now would the tenant, or any other man, understanding and respecting principles, consider such a law constitutional? On the contrary, would it not be at once pronounced unjust and void? If such an act of the legislature could be sanctioned, not only the tenant, in the circumstances we have supposed, would be deprived of his estate by a destruction of vested rights, but a large class of citizens, similarly situated, would suffer under similar deprivations. The more the principle of the section in question is examined, the more distinct become its objectionable features.' 'In a word, the whole section taken together appears to have been enacted with a view, and for the purpose, of abolishing the distinction, well known to have then existed between a possession *under a claim of title on record*, and a possession *without* any such claim or pretence of title.'

Again he observes;

'The section is certainly retrospective as well as prospective. It professes to establish principles by which causes then pending, as well as those which might in future be commenced, should be decided. It professes to operate on *past* transactions, and to give

to facts a character, which they did not possess at the time they took place; and to declare that in the trial of causes *depending on such facts*, they shall be considered and allowed to operate in the decision of such causes, according to their *new character*. It professes to settle rights and titles depending on laws, as they existed for a long series of years *before* the act was passed, by new principles, which for the first time are introduced by its provisions. It professes to change the nature of a disseisin, and thereby subject the true owner of lands to the loss of them, by converting into a disseisin, by *mere legislation*, those acts which, at the time the law was passed, did not amount to a disseisin. It professes to punish the rightful owner of lands, by barring him of his right to recover the possession of them, when, by the existing laws, he was not barred, nor liable to the imputation of any *laches*, for not sooner ejecting the wrongful possessor.'

After illustrating his subject by a few examples, the Chief Justice concludes in the following independent strain.

'It is always an unpleasant task for a judicial tribunal, to pronounce an act of the legislature in part or in whole unconstitutional. We agree with the Supreme Court of the United States, in the case of *Fletcher* vs *Peck*, that "the question whether a law be void for its repugnance to the constitution, is, at all times, a question of much delicacy, which ought seldom, if ever, to be decided in the affirmative in a doubtful case. But the Court, when impelled by duty to render such a judgment, would be unworthy of its station could it be unmindful of the obligation which that station imposes." We cannot presume that the legislature, which enacted the law, considered the section in question, as violating any constitutional principle, or in any manner transcending their powers. Be that as it may, the oath of office, under which we conscientiously endeavor to perform our duties, imposes upon us as solemn an obligation to declare an act of our legislature *unconstitutional*, when, upon mature deliberation, we believe it to be so, as it does to give prompt and full effect to all *constitutional* laws, in the administration of justice.'

ART. IV.—*Demosthenis Opera, ad Optimorum Librorum Fidem accurate Edita.* Lipsæ. Excudit Car. Tauchnitz.

BY the great majority of the literary world, from his own time to the present, Demosthenes has been considered as unsurpassed, if not unequalled in eloquence. While, how-

ever, there has been so little difference of opinion respecting the degree of his merit, the peculiar nature of it seems to be, at least in this country, very imperfectly understood. Our knowledge of the character of his oratory rests principally on secondary evidence. With Cicero, American students are, comparatively, well acquainted. Their acquaintance with him in early youth, though short and compulsory, is sufficient to give them some general impressions respecting his distinguishing characteristics, and what is of more consequence, to facilitate a more thorough and general perusal of his works in maturer years. Demosthenes is removed one step farther from our reach, by the language in which he writes; and his concise and idiomatic phraseology is so embarrassing to an inexperienced student, as to leave him little leisure to observe and relish the beauties of his author, till after repeated perusals. Few among us have the disposition, or the leisure, to read Demosthenes in the original. He has indeed been ably translated by Leland, but we may observe of translations of ancient authors, what has been remarked of engravings of fine buildings, that they seldom become objects of interest, till after the originals are generally known and studied. We judge of Demosthenes, therefore, from certain vague remarks respecting the fire, the boldness, and the magnificence of his speeches, and the errors into which such language is apt to lead us, are strengthened by an impression, which generally prevails respecting the oratory of the ancients. It is often said that modern orators speak to the reason, ancient orators spoke to the passions, a remark which, if founded in truth, is susceptible of great qualification. From the rank which Demosthenes held in the opinion of all ancient critics, and more particularly in that of his great competitor Cicero, we naturally expect to find what we consider to be the peculiar features of Grecian and Roman eloquence, displayed in the greatest force and abundance in his works. We look for extravagant declamation, for perpetual appeals to the feelings, for a crowd of similes and metaphors; in short, for a style bearing a greater resemblance to the Irish, than to any other modern oratory, and far too bold to be adopted with propriety in a modern assembly.

To those who are conversant with the writings of this orator, we need not say that the opinions, which we have just

noticed, are the very reverse of the truth; to those who are not, we shall offer a few general remarks on his real merit. The most prominent feature in his orations, as has been justly remarked, is argument. He never declaims, till he has first reasoned; he seems to disdain to inflame our passions, till he has overpowered our understanding. Few authors can bear a comparison with him in the originality and ingenuity of his arguments, in their close connexion with the point proposed and with each other; in the succinctness, perspicuity, and energy with which they are stated; in the sagacity and *generalship*, if the term may be allowed, with which he directs his force to those points where his adversary is most vulnerable, and himself most powerful; in all those qualities, in short, which constitute a powerful and accomplished logician. But though an acute and close, he is by no means a dry and cold reasoner; he bears no resemblance to those, who state their sentiments with the calmness, as well as the precision of mathematical demonstration. His argument seems to flow from his heart, as well as his intellect, and is equally impassioned with the declamation of other orators. His declamation, on the other hand, has much of the closeness and terseness, which we find displayed in the ablest arguments. We perceive in it nothing vague or extravagant, nothing florid or redundant, nothing strained or ostentatious; it always seems to enforce and illustrate, as well as to ornament, the arguments to which it refers, and appears to be introduced not only naturally but necessarily. It is scarcely possible, however, to divide the speeches of Demosthenes, like those of most other orators, into argumentative and declamatory passages. Logic and rhetoric are blended together, from the beginning to the end; the speaker, while always clear and profound, is always rapid and impassioned. The vivid feeling, displayed at intervals by other orators, bursts forth in Demosthenes with every sentence. We are forcibly reminded of the description of lightning in Homer;

> 'By turns one flash succeeds, as one expires,
> And Heaven flames thick with momentary fires.'

Were we called upon to state, what more than anything else distinguished Demosthenes from all other orators, we should answer, his constant and complete forgetfulness of himself in his subject. His object, in his most celebrated

orations, (with the exception of that on the Crown,) was to thwart and overthrow the ambitious projects of Philip of Macedon, to rouse his countrymen to a course of conduct worthy of themselves and their illustrious ancestry. That Philip was aiming at the sovereignty of Greece, that he feared and hated the Athenians, as the irreconcilable opponents to his schemes of aggrandisement, 'that he was hostile to the city of Athens, to everything which it contained, to the very ground on which it stood, but to nothing so much as its free government,' these were the ideas, which seemed to penetrate and absorb the very soul of Demosthenes, and which he put forth all his strength in impressing on the minds of his hearers. His exordium, though highly finished, is generally brief; he throws himself into the midst of his subject, and seems to have neither time nor thought for anything besides. To gain the assent, and not the applause of the audience, is his single object; his aim seems to be to direct the councils of Athens, utterly regardless of the credit which success may reflect on himself, and he appears to think as little of the skill which he shall display as an orator, as he, who is fighting for his life, thinks of the grace which he shall exhibit in the management of his weapons.

When we consider, that it is the well known property of this enthusiastic sincerity to communicate itself from the speaker to his audience, that connected even with moderate abilities it seldom fails to command a respectful attention, that it is of itself often sufficient to give a temporary interest to the most airy extravagance, it requires little reflection to perceive what effects it must produce, when united with the talents of Demosthenes. By no author is he excelled in the power of engaging and riveting our attention. We feel ourselves in the grasp of a giant, and are hurried along in the course of his argument with unceasing and breathless interest. While, however, we dwell thus forcibly on the entire devotion of Demosthenes to his great purpose, we would not be understood to imply, that his orations are devoid of all remarks of general application. He looks intensely on his subject, but it is with the eye of a consummate statesman; his remarks centre in a single point, but they are drawn from a wide circumference. Almost every one of his speeches abounds in maxims of the most profound kind, and the most universal

interest, not formally ushered forth in the garb of philosophy, but, like everything which he utters, springing naturally from his subject, and bearing strongly upon it. That the mind soon loses its dignity if given up to low and grovelling pursuits; that it is the leading duty of a true patriot never to fear responsibility; that no community can ever be great, if it suffer its conduct to be entirely determined by external circumstances; that it is for him who has received benefits to cherish them in his memory, while the giver should be the first to forget them; these, and numerous other political and moral truths of equal moment, are all enforced with the greatest clearness and vigor by Demosthenes. We consider him, in short, as the most striking illustration of the rule subsequently laid down by Horace, in the trite passage, 'ars est celare artem.' His eloquence always strikes us, as the true eloquence of nature, the language of a strong mind under high excitement.

But it is not our intention to attempt a complete, still less a technical description of his various merits, and we shall merely present our readers with a few specimens of his orations, as they appear in an English dress, intermingled with such remarks as naturally suggest themselves. We quote from Leland's translation. It is, however, necessary, to make one or two previous observations, lest our readers should think that our assertions are but feebly warranted by our extracts. The first circumstance to be noticed, is the well known fact, that Demosthenes is one of the last authors, to whom justice can be done by quotations. His orations are the very reverse of those works, which are marked by striking inequalities and forcible contrasts, by brilliant passages which can be easily distinguished, and conveniently detached from everything around them, by occasional beauties which shine out from what is dull or faulty. On the contrary, he everywhere seems animated with a similar, not to say an equal fervor; even in his highest flights he rises gradually, and every part of his speeches is so connected with what precedes and follows, that it cannot be extracted without material injury. The next circumstance, to which we shall advert, is the manifest disadvantage of quoting from a translation. The difficulty of transfusing the spirit of an ancient author into our language is notorious. With Demosthenes this difficulty is

greatly increased, by the nature of his style. This is concise, in many places to a fault, and finished with the most exquisite nicety. Every word is apt and significant, and occupies the very place of all others which best belongs to it, and of course nothing can well be altered, transposed, or omitted. To imagine that such an author can be rendered into our language, without the loss of many beauties of phraseology, to say the least, would be to suppose such a similarity of structure between the Greek and English tongues, as exists between no two languages whatever. Leland's translation is, as before observed, executed on the whole with great ability, and should be in the hands of all, who are debarred from consulting the original. In the important circumstances of a thorough perception of his author's meaning, and an accurate knowledge of the events to which he refers, he has seldom been surpassed. He is also distinguished by great, and when we consider the natural attachment of translators to their authors, we may add, singular and laudable impartiality. He seems to have formed the most just and discriminating opinions of the merits of Demosthenes, and to have imbibed no inconsiderable portion of the spirit of his eloquence. In one respect, however, his translation falls greatly below the Greek, in elegance of phraseology. It contains many expressions, which are now obsolete or trivial; the words are by no means selected and varied with sufficient care, and the style, on the whole, is much more distinguished by strength than by polish. In judging, therefore, of our extracts, we hope our readers will direct their attention to the sentiments, rather than the phraseology. The first passage, which we shall select, is the comparison in the second Olynthiac between the Athenians of the time of Demosthenes, and their illustrious ancestors.

'These our ancestors, therefore, whom the orators never courted, never treated with that indulgence with which you are flattered, held the sovereignty of Greece, with general consent, five and forty years; deposited above ten thousand talents in our public treasury; kept the king of this country in that subjection, which a barbarian owes to Greeks; erected monuments of many and illustrious actions, which they themselves achieved, by land and sea; in a word, are the only persons who have transmitted to posterity such glory as is superior to envy. Thus great do they appear in the affairs of Greece. Let us now view them within the city, both in

their public and private conduct. And, first, the edifices which their administrations have given us, their decorations of our temples, and the offerings deposited by them, are so numerous and so magnificent, that all the efforts of posterity cannot exceed them. Then, in private life, so exemplary was their moderation, their adherence to the ancient manners so scrupulously exact, that if any of you ever discovered the house of Aristides, or Miltiades, or any of the illustrious men of those times, he must know that it was not distinguished by the least extraordinary splendor. For they did not so conduct the public business as to aggrandise themselves; their sole great object was to exalt the state. And thus by their faithful attachment to Greece, by their piety to the gods, and by that equality which they maintained among themselves, they were raised (and no wonder) to the summit of prosperity.'

This is in many respects a highly characteristic passage. It affords, in the first place, a singular instance of the indifference to mere oratorical display, which we have already mentioned as a striking quality of Demosthenes. What tempting opportunities are here disregarded. How might he have displayed those powerful talents of narration and description, which he has proved so fully in his oration on the Crown. With what force and effect might he have dwelt on those victories, which have furnished themes for the efforts of so many orators and poets, from the time when they were won to the present age. With what graphic touches might he have described those glorious monuments of Grecian art, which are even now the wonder and the study of the civilised world. Far different was his course. The whole history of Athens, from the days of Miltiades to those of Pericles, of her power, her conquests, her trophies, her wealth, her architecture, is comprised in a few brief sentences. It was his design not to raise his own fame as an orator, but to waken his countrymen from their fatal lethargy, to shame them into a more dignified and efficient course of conduct, by reminding them, in simple and affecting terms, of the height, whence they had degenerated. He chose, therefore, merely to elevate and fire their minds, by a few masterly touches, and then to deliver them over to their own reflections.

The next remarkable feature of this extract, which we shall notice, is the exemplary boldness with which the author reproves the follies of his countrymen. It is pleasing to reflect that the ascendency, which Demosthenes acquired and main-

tained over the 'fierce democracy of Athens,' was in no degree purchased by a mean compliance with their humors, or a timid forbearance towards their faults and follies. This passage is far from a singular instance in which he displays a sincerity, which the most conscientious lover of strict and abstract truth would deem worthy of high applause. His orations are full of the most pointed and caustic censures of the levity and indifference of his countrymen, in their most momentous concerns. He calls them, for instance, 'a helpless rabble, without conduct, without property, without arms, without order, without unanimity;' he declares, 'that no one has the least respect for their decrees, and, finally, that their constitution is subverted.' Language like this, one would think, must be odious in any country, and the mixture of truth which it contained, when applied to the Athenians, would, we apprehend, produce any other effect than that of rendering it more palatable. If we inquire why it was so patiently heard, from the lips of Demosthenes, we may find a sufficient reason in the skill and judgment, with which it is uniformly employed. His censures evidently spring from the purest patriotism, and are uttered not merely to gratify his own feelings, but for a benevolent and practicable object. His reproofs are constantly followed by exhortations and encouragement, and while he condemns, with the most unsparing acrimony, the degeneracy of the Athenians, he never fails to prove that if they will be themselves, all may yet be retrieved. In this respect, to say nothing of any other, we think the orations of Demosthenes a model, which cannot be too highly recommended to politicians of the present day. We trust, indeed, the time is yet distant, when a boldness like his, will be viewed by the citizens of this country, as a crime. In vain shall we boast of the liberty of expressing our thoughts, which is secured by our constitutions and laws, if it can only be exercised under the iron sceptre of an illiberal and jealous public opinion.

Our second extract is from the third Philippic, and requires no preface.

'And now what is the cause of all this? (for there must be some cause, some good reason to be assigned, why the Greeks were once so jealous of their liberty, and are now ready to submit to slavery.) It is this Athenians! Formerly, men's minds were animated with that which they now feel no longer, which conquered all the opu-

lence of Persia, maintained the freedom of Greece, and triumphed over the powers of sea and land; but now that it is lost, universal ruin and confusion overspread the face of Greece. What is this? Nothing subtle or mysterious; nothing more than a unanimous abhorrence of all those who accepted bribes from princes, prompted by the ambition of subduing, or the base intent of corrupting Greece. To be guilty of such practices, was accounted a crime of the blackest kind; a crime which called for all the severity of public justice; no petitioning for mercy, no pardon was allowed, so that neither orator nor general could sell those favorable conjunctures, with which fortune oftentimes assists the supine against the vigilant, and renders men utterly regardless of their interests, superior to those who exert their utmost efforts; nor were mutual confidence among ourselves, distrust of tyrants and barbarians, and such like noble principles, subject to the power of gold. But now are all these exposed to sale, as in a public mart; and in exchange, such things have been introduced, as have affected the safety, the very vitals of Greece. What are these? Envy, when a man hath received a bribe; laughter, if he confess it; pardon, if he be convicted; resentment, at his being accused; and all the other appendages of corruption. For, as to naval power, troops, revenues, and all kinds of preparations, everything that is esteemed the strength of a state, we are now much better, and more amply provided, than formerly, but they have lost all their force, all their efficacy, all their value, by means of these traffickers.'

We pass on from the shorter speeches of Demosthenes, to that masterpiece of Grecian eloquence, the oration on the Crown. This is distinguished from the rest, not only by its superior excellence, but by its freedom from their two most important, if not their only defects. The first of these is the coolness generally displayed in the perorations. Demosthenes complied, in this respect, with the rules of Grecian rhetoric; and it cannot but be greatly regretted, that in so important a particular he should have suffered Art to prevail over Nature. The other fault, to which we refer, is his extreme conciseness. Whether, indeed, this be a fault, seems to be more than doubtful to the ablest critics. It is certainly an error on the right side, and of singularly rare occurrence. It is ascribed by Leland, to the well known character of the Athenians, a people remarkable for their quickness of perception, to whom the slightest intimation was a sufficient clue to the orator's sentiments. Another reason may be found in the fact, that the subjects on which Demosthenes spoke had in general been

previously discussed by other orators, and fully understood, in all their relations by the audience. The assemblies which he addressed were, besides, engaged most deeply in the business before them, and their minds wound up to a degree of interest, which suffered not a single remark to pass unnoticed or unapplied. Still, under all these qualifications, Demosthenes has carried the virtue of brevity to an extreme; and, in this respect, he would be a very unsafe model for the imitation of a public speaker. His shorter orations exact even from a reader, the most wakeful and unremitted attention, and it is scarcely necessary to add, that much of the force and beauty of the finest sentiments, if expressed in a similar style, would be lost by an audience.

In the oration on the Crown, Demosthenes is, compared merely with himself, unusually diffuse. He was probably led to this course by the peculiar circumstances of his situation. His whole conduct was upon trial. He was attacked by an orator, who yielded only to himself in skill and celebrity, and forced to answer to numerous specific charges, which could be refuted only in detail, and at great length, and, as he himself observes, he could only vindicate his own character by a complete history of his public life. This oration is, accordingly, five or six times as long as any of the Philippics, and is distinguished by every species of composition, by argument, by narration, by invective, direct and ironical, by comparison, by metaphor, by apostrophe, by figures, both of thought and language, of all descriptions. Our limits will confine us to a very few extracts. The first is an example of the bitter personal reproaches, which Demosthenes heaps on his adversary. They are certainly such as neither would nor should be permitted, by the rules of any deliberative assembly at the present day. They were provoked, however, on the part of Æschines, by invectives of equal virulence and ability; and the contest between the two orators was in fact a trial of character. We may also remark, that the reproaches uttered by Demosthenes, both in this and other passages, violent as they are, contain nothing which, if true, could not be decently told, and that they are free from that disgusting vulgarity, which disfigures those of Cicero against Piso and Antony. The lines in italics allude to the charge of cowardice, which

Æschines had repeated several times in the course of his oration.

'When you had obtained your enrolment among our citizens, by what means I shall not mention, but when you had obtained it, you instantly chose out the most honorable of employments, that of under scrivener and assistant to the lowest of our public officers. And, when you retired from this station, where you had been guilty of all those practices you charge on others, you were careful not to disgrace any of the past actions of your life. No, by the powers!— You hired yourself to Simmichus and Socrates, those deep groaning tragedies, as they were called, and acted third characters. You pillaged the grounds of other men for figs, grapes, and olives, like a fruiterer; which cost you more blows than even your playing, which was in effect playing for your life; for there was an implacable, irreconcilable war declared between you and the spectators; *whose stripes you felt so often and so severely, that you may well deride those as cowards, who are unexperienced in such perils.*— But I shall not dwell on such particulars as may be imputed to his poverty. My objections shall be confined to his principles. Such were the measures you adopted in your public conduct, (for you at last conceived the bold design of engaging in affairs of state,) that while your country prospered, you led a life of trepidation and dismay, expecting every moment the stroke due to those iniquities which stung your conscience; when your fellowcitizens were unfortunate, then were you distinguished by a peculiar confidence; and the man who assumes this confidence, when thousands of his countrymen have perished, what should he justly suffer from those who are left alive? And here I might produce many other particulars of his character. But I suppress them. For I am not to exhaust the odious subject of his scandalous actions. I am confined to those which it may not be indecent to repeat. Take then, the whole course of your life, Æschines, and of mine; compare them without heat or acrimony. You attended on your scholars; I was myself a scholar. You served in the initiations; I was initiated. You were a performer in our public entertainments; I was the director. You took notes of speeches; I was a speaker. You were an underplayer; I was a spectator. You failed in your part; I hissed you. Your public conduct was devoted to our enemies; mine to my country.'

The next passage, which we select, is a rapid and forcible enumeration of the various and important measures, which had been adopted for the security of the state. To say nothing of its other beauties, the manner in which the orator introduces himself in the third person is singularly happy.

'Consider; what was the part of a faithful citizen? Of a prudent, an active, and an honest minister? Was he not to secure Eubœa as our defence against all attacks by sea? Was he not to make Bœotia our barrier on the midland side? the cities bordering on Peloponessus our bulwark, on that quarter? Was he not to attend, with due precaution, to the importation of corn, that this trade might be protected through all its progress up to our very harbor? Was he not to cover those districts which we commanded, by seasonable detachments as the Proconesus, the Chersonesus, and Tenedos? To exert himself in the assembly for this purpose, while, with equal zeal, he labored to gain others to interest and alliance, as Byzantium, Abydos, and Eubœa? Was he not to cut off the best and most important resources of our enemies, and to supply those in which our country was defective? And all this you gained by my counsels and my administration. Such counsels, and such an administration, as must appear, upon a fair and equitable view, the result of strict integrity; such as left no favorable juncture unimproved, through ignorance or treachery; such as ever had their due effects, as far as the judgment and abilities of one man could prove effectual. But if some superior being, if the misconduct of generals, if the iniquity of your traitors, or if all these together, broke in upon us, and at length involved us in one general devastation, how is DEMOSTHENES to be blamed? Had there been a single man in each Grecian state to act the same part, which I supported in this city; nay, had but one such man been found in Thessaly, and one in Arcadia, actuated by my principles, not a single Greek, either beyond or on this side Thermopylæ, could have experienced the misfortunes of this day. All had then been free and independent, in perfect tranquillity, security and happiness, uncontrolled in their several communities, by any foreign power, and filled with gratitude to you and to your state, the authors of these blessings, so extensive and so precious. And all this by my means.'

The last quotation, which we shall make, is a part of the oration on the Crown, concluding with his apostrophe to the departed heroes of Athens. Leland's version of this passage is uncommonly elegant and happy. The principal truth, which Demosthenes here labors to enforce, is no other, than that success is not the necessary result of human exertions, however wise, but the gift of heaven. This would seem to many not only an indisputable, but a commonplace maxim of morality, though no one will deny the singular ability with which it is amplified and illustrated. It is necessary, therefore, to refer to the argument of Æschines. Availing himself of the

disasters, which had befallen Athens during the administration of Demosthenes, this orator accused him with the greatest vehemence, as the author of all her calamities. He represents him as the evil genius of his country, the accursed thing which had drawn down upon her the vengeance of heaven; the illstarred wretch, whose disastrous destiny had outweighed and controlled her better fortunes. These charges, which we believe would not be without their effect on the feelings even of a modern audience, under similar circumstances, must have seemed far more credible to a Pagan assembly, who were prone to consider misfortune, not only as a presumptive proof of misconduct, but as a sure indication of the wrath of the gods. Demosthenes, in reply, after urging that neither he nor any other statesman could be required to possess the gift of prophecy; after showing that the measures, which he pursued, were those of a wise and patriotic minister, and were admitted so to be, by the silent acquiescence of Æschines himself, at the time of their adoption, proceeds as follows.

'But, since he hath insisted so much upon the event, I shall hazard a bold assertion. But, in the name of heaven, let it not be deemed extravagant; let it be weighed with candor. I say then, that had we all known what fortune was to attend our efforts; had we all foreseen the final issue; had you foretold it, Æschines, (you whose voice was never heard,) yet, even in such a case, must this city have pursued the very same conduct, if she had retained a thought of glory, of her ancestors, or of future times. For, thus, she could only have been deemed unfortunate in her attempts; and misfortunes are the lot of all men, whenever it may please heaven to inflict them. But if that state, which once claimed the first rank in Greece, had resigned this rank, in time of danger, she had incurred the censure of betraying the whole nation to the enemy. If we had indeed given up those points without one blow, for which our fathers encountered every peril, who would not have spurned you with scorn? *You, the author of such conduct*, not the state, or me? In the name of heaven, say with what face could we have met those foreigners, who sometimes visit us, if such scandalous supineness on our part had brought affairs to their present situation? If Philip had been chosen general of the Grecian army, and some other state had drawn the sword against this insidious nomination, and fought the battle, unassisted by the Athenians, that people who, in ancient times, never preferred inglorious security to honorable danger? What part of Greece, what part of the barbarian world, has not heard, that the Thebans, in their period

of success, that the Lacedemonians, whose power was older and more extensive, that the king of Persia would have cheerfully and joyfully consented, that this state should enjoy her own dominions, together with an accession of territory ample as her wishes, upon this condition, that she should receive law, and suffer another state to preside in Greece? But, to Athenians, this was a condition unbecoming their descent, intolerable to their spirit, repugnant to their nature. Athens never was once known to live in a slavish, though a secure obedience to unjust and arbitrary power. No; our whole history is one series of noble contests for preeminence, the whole period of our existence hath been spent in braving dangers, for the sake of glory and renown. And so highly do you esteem such conduct, so consonant to the Athenian character, that those of your ancestors, who were most distinguished in the pursuit of it, are ever the most favorite objects of your praise. And with reason. For who can reflect without astonishment upon the magnanimity of those men, who resigned their lands, gave up their city, and embarked in their ships, to avoid the odious state of subjection? Who chose Themistocles, the adviser of this conduct, to command their forces; and, when Crysilus proposed that they should yield to the terms prescribed, stoned him to death? Nay, the public indignation was not yet allayed. Your very wives inflicted the same vengeance on his wife. For the Athenians of that day looked out for no speaker, no general to procure them a state of prosperous slavery. They had the spirit to reject even life, unless they were allowed to enjoy that life in freedom. For it was a principle fixed deeply in every breast, that man was not born to his parents only, but to his country. And mark the distinction. He who regards himself as born only to his parents, waits in passive submission for the hour of his natural dissolution. He who considers, that he is the child of his country also, is prepared to meet his fate freely, rather than behold that country reduced to vassalage; and thinks those insults and disgraces, which he must meet, in a state enslaved, much more terrible than death. Should I then attempt to assert, that it was I who inspired you with sentiments worthy of your ancestors, I should meet the just resentment of every hearer. No; it is my point to shew, that such sentiments are properly your own; that they were the sentiments of my country, long before my days. I claim but my share of merit in having acted on such principles, in every part of my administration. He, then, who condemns every part of my administration, he who directs you to treat me with severity, as one who hath involved the state in terrors and dangers, while he labors to deprive me of present honor, robs you of the applause of all posterity. For if you now pronounce, that, as my public conduct hath not been right, Ctesiphon must stand condemned, it must be thought that you yourselves have acted

wrong, not that you owe your present state to the caprice of fortune. But it cannot be! No, my countrymen! it cannot be that you have acted wrong, in encountering danger bravely, for the liberty and safety of all Greece. No! by those generous souls of ancient times, who were exposed at Marathon! By those who stood arrayed at Platæa! By those who encountered the Persian fleet at Salamis, who fought at Artemisium! By all those illustrious sons of Athens, whose remains lie deposited in the public monuments! all of whom received the same honorable interment from their country; not those only who prevailed, not those only who were victorious. And with reason. What was the part of gallant men they all performed! Their success was such as the Supreme Director of the world dispensed to each.'

No writings could, we think, be read to more advantage by the rising orators of our own country, than those of Demosthenes. A thorough study of his concise, manly, and practical eloquence, would do much to correct the two most prominent faults of American oratory. The first of these, is the excessive prolixity, by which we are most unfortunately contradistinguished from our transatlantic brethren. In our national House of Representatives, for instance, which, composed as it is of our most distinguished politicians, is certainly no unfair specimen of our deliberative assemblies, five or six weeks are spent in debating upon questions, which would be discussed in the Parliament of Great Britain, and well discussed too, in half as many evenings. The best speakers in that country generally find two or three hours at most, amply sufficient for a complete exposition of their arguments, and those eloquent orations of five or six hours, which are so much in fashion at Washington, are almost unknown. There is some appearance, indeed, that this prolixity of our congressional speakers is working its own cure, and it already begins to be suspected that, in order to convince, it is not indispensably necessary to fatigue. The next fault, to which we allude, is the fondness for unnatural and meretricious ornament, which is occasionally displayed, even by some of our ablest speakers, and which is exhibited, in irrelevant and ostentatious digressions, in cold and trite similes, and a gay confusion of metaphors, in finical circumlocutions, and a studied avoidance of direct and definite language, and, to speak more generally, in offences of every description against classical simplicity. This fault is by no means confined to our oratory, it infects in some degree every

branch of our literature, and must be ascribed in part to circumstances in our condition which can be removed only gradually. A chaste elegance in the art of composition, as in all other arts, is generally the result, in part, of assiduous culture, and consequently the evidence of a high degree of advancement. But we think, that the deficiency of several of our orators in this quality, has been owing materially to the admiration entertained, by so many of our fellowcitizens, for a few faulty models, and more especially for the works of Curran and Phillips. We object to this admiration, not so much because it is extravagant, as because it is undiscriminating. We know that perfect simplicity is compatible with a high degree of ornament, provided it be apt and unforced ornament, and there are certainly passages alike faultless and striking in both these orators, and more especially in the first. But these great beauties are balanced, not to say outweighed, by faults of equal magnitude, and the contrast, striking as it is, seems to have been strangely overlooked by many of our countrymen.

Misled by some of the most glaring absurdities of these brilliant, but irregular productions, they seem to have essentially mistaken the nature of real eloquence, to have supposed not only that it was something more than plain good sense, but something at war with it. We know nothing that could be better adapted to correct impressions like these, than the frequent contemplation of the severe beauty of Attic eloquence. But above all, would we recommend the speeches of Demosthenes, as models of practical *business like* oratory. The present age is a period, when men are *in earnest*, when they seek, even in works of amusement, for something which shall excite intense thought, and call forth their inmost feelings; when they will not endure to hear important subjects treated carelessly or superficially.* We may add, that if this be the character at the present day, of all enlightened nations, still, more especially, is it that of our own. All our public institutions, all our private and domestic habits, are calculated to render us emphatically a practical people. Every individual is in some degree a man of business. With us a recluse is almost an unknown being, and the most retired students are drawn from their closets to bear some part in the machinery of active socie-

* See Dr Channing's Sermon at the Ordination of Mr Gannett.

ty. Our whole frame of government presupposes, what our admirable systems of early education have enabled us to verify in a great degree, that our community is made up of thinking, reflecting individuals. No feature in the character of the people, at least of the older parts of our country, is more striking than their singular sedateness and gravity. Their very amusements are strongly marked by these characteristics. Their only festival days are those, which are devoted to the celebration of important agricultural, political, religious, or literary ceremonies. Nothing seems to be intended as the mere sport of the passing hour; all is serious and practical. This peculiar gravity of character is daily becoming more prominent, and diffusing itself more widely. It is surely not improbable, that it will eventually give a coloring to all our intellectual productions, but more especially to our oratory, and that in this country the most popular and successful eloquence will be the grave, manly, argumentative eloquence of which Demosthenes is so splendid an example; which disdains to trifle, which seeks to convince and persuade, not to entertain; which speaks to the reason and the heart, rather than to the fancy; the eloquence of sound thought and deep feeling. The works of Demosthenes, to say nothing of the other illustrious orators of Greece, are alone sufficient to render the language in which he wrote, worthy of the assiduous study of every well educated American.

But the study of good models is, after all, only one means of improving the oratory of our country. Among many others, which might be mentioned, we shall suggest one, both because we consider it of high importance, and because it has not, so far as we are aware, been generally adopted, either in this or any other community; and that is, to oblige the students of our principal literary seminaries to debate, extempore, from time to time, in the presence and under the direction of a teacher. No one will dispute the expediency of such a practice, who considers, either the manifest value, in a country like ours, of the faculty of speaking in public, or the great disproportion which exists among us, between the number of able and accomplished orators, and that of intelligent and well educated individuals. The debates in our legislatures, for instance, more especially in New England, are principally carried on by members of one profession,

(it is true a most respectable one,) that of the law, or rather by that highly favored portion of them, who have previously enjoyed frequent opportunities of exercising and improving their oratorical powers before a judicial tribunal.

This is certainly far from desirable. There are, in every representative assembly, many citizens of other professions and pursuits, well entitled by their wisdom and integrity to the places which they hold, and well able, had they the power of expressing themselves with ease, to shed light on every question of public importance. Yet these men, (putting out of the question rare instances of natural eloquence,) are compelled either to do themselves and their subject injustice, by an imperfect and embarrassed enunciation of their sentiments, or to confine themselves to a simple *yea* and *nay*, and leave the field of debate to their more fluent, though it may often happen, worse informed, or less intelligent brethren. The more discreet generally prefer the latter course, and however clearly they may prove their wisdom by their votes, can exert but little influence over the decisions of others.

That this evil, with many others of a similar nature, would be at least materially remedied, by the measure which we recommend, seems to us beyond a question. We may add, that it is not only a practicable measure, but one which could be carried into execution with the greatest ease, and that it has been, in fact, recently adopted in several of our *Law Schools*. It may, perhaps, be considered as unnecessary, since it is frequently said, that the practice of composition in writing, is the best method of acquiring the power of debating with force and readiness. We are sensible, that this opinion is countenanced by no mean authority, and we should be the last to dispute the numerous and weighty advantages, which can be derived from writing only, but we cannot admit that it is of itself sufficient to render men consummate orators. It may strengthen their power of thought, and increase their command of language, but much will obviously remain to do, which can be accomplished only by debating extempore. This practice, for instance, would greatly facilitate the acquisition of what is a rare accomplishment, in this and in most other countries, *a good delivery*. The reigning defect in our readers and speakers is monotony. Now this fault is often acquired by reading or reciting the works of others, and is occasioned,

more particularly, by the extreme difficulty which we find in entering into the spirit of what we utter; that is, in inspiring ourselves with the same feelings, while pronouncing a passage, that existed at the time it was composed, in the mind of the author. We find a similar, though a less difficulty, in repeating aloud our own compositions, because the glow of feeling with which they were written, has gone by, and can be recalled only by a strong effort. There is, on the other hand, no monotony in private conversation, because we utter what we feel at the moment, instead of reciting what we recollect, and, for a similar reason, this defect is displayed much more seldom, and in a much less degree, at the bar and in the senate, than in the pulpit.

We hope it will not be inferred from these remarks, that we are in any degree hostile to the prevailing custom of declaiming from the works of distinguished authors. On the contrary, we consider it of the highest value, both as an oratorical exercise, and as a vehicle of noble and useful sentiments. It is only while followed to the exclusion of any other species of declamation, that it can be open to the slightest objection. To conclude, if any readers should complain, that we have noticed only the faults of our public speakers, and passed over their good qualities in silence, we would observe, that this circumstance has resulted from the nature of our design, which has been to suggest some methods for the improvement of American oratory, and by no means to give a picture of its actual condition, a task much too extensive and interesting to be accomplished within our present limits.

The edition of Demosthenes, mentioned at the head of this article, is entitled to the praise of great correctness. It has no other recommendation than its portable size; an advantage dearly purchased by the entire omission of notes, and the employment of a type too small and indistinct to be read without hazard, even by the strongest eyes. This latter defect is one, which has occurred so frequently in recent editions of standard works, both in our own and other languages, that it deserves to be particularly and strongly reprehended.

ART. V.—1. *Manners and Customs of several Indian Tribes, located west of the Mississippi, including some Account of the Soil, Climate and vegetable Productions; and the Indian Materia Medica; to which is prefixed the History of the Author's Life, during a Residence of several Years among them.* By JOHN D. HUNTER. 8vo. pp. 402. Philadelphia. 1823.

2. *Historical Notes respecting the Indians of North America, with Remarks on the Attempts made to convert and civilise them.* By JOHN HALKETT, Esq. 8vo. pp. 408. London. 1825.

MORE than three centuries have passed away, since the American continent became known to the Europeans. At the period of its discovery, it was inhabited by a race of men, in their physical conformation, their moral habits, their social and political relations, their languages and modes of life, differing essentially from the inhabitants of the old world. From Hudson's Bay to Mexico, and from the Atlantic to the Rocky Mountains, the country was possessed by numerous petty tribes, resembling one another in their general features, but separated into independent communities, always in a state of alarm and suspicion, and generally on terms of open hostility. These people were in the rudest condition of society, wandering from place to place, without sciences and without arts, (for we cannot dignify with the name of arts the making of bows and arrows, and the dressing of skins,) without metallic instruments, without domestic animals; raising a little corn by the labor of their women, with a clamshell or the scapula of a buffalo, devouring it with true savage improvidence, and subsisting, during the remainder of the year, upon the precarious supplies furnished by the chase, and by fishing. They were thinly scattered over an immense extent of country, fixing their summer residence upon some little spot of fertile land, and roaming, with their families, and their mat or skin houses, during the winter, through the forests, in pursuit of the animals necessary for food and clothing.

Such a state of society could not but arrest the attention of the adventurer, to whom everything was new and strange. A spirit of inquiry had been recently awakened in Europe,

and the discovery of the mariner's compass, and the art of printing, had wonderfully enlarged the sphere of human observation, and given new vigor to the human faculties. And we find, accordingly, that the man of America soon became the subject of examination and speculation, and many a ponderous tome has been written on the topic, from the letter of Vereyzani to Francis the First, in 1524, down to the latest work manufactured in London, by some professional book maker, whose accurate knowledge of the Indian character and condition has been acquired, by profound observation within Temple bar, or who strings together the falsehoods of such men as the personage, who calls himself John Dunn Hunter; and whose *finale* is always a Jeremiad, upon the savage treatment of the aborigines of this continent, by their barbarous Anglo American neighbors.

In a retrospective examination of this mass of materials, it is easy to perceive, that the progress we have made in this interesting investigation, bears no proportion to the time and labor, which have been expended upon it; nor is it difficult to account for this unsatisfactory result.

Of the external habits of the Indians, if we may so speak, we have the most ample details. Their wars, their amusements, their hunting, and the more prominent facts connected with their occupations and condition, have been described with great prolixity, and doubtless with much fidelity, by a host of persons, whose opportunities for observation, and whose qualifications for description have been as different, as the places and the eras in which they have written. Eyes have not been wanting to see, nor tongues to relate, nor pens to record the incidents, which, from time to time, have occurred among our aboriginal neighbors. The eating of fire, the swallowing of daggers, the escape from swathed buffalo robes, and the juggling incantations and ceremonies, by which the dead are raised, the sick healed, and the living killed, have been witnessed by many, who related what they saw, but who were grossly deceived by their own credulity, and by the skill of the Indian *Waubeno*. We have ourselves, in the depth and solitude of our primeval forests, and among some of the wildest and most remote of our Indian tribes, gazed with ardent curiosity, and perhaps with some slight emotion of awe, upon the *Jongleur*, who with impudent dex-

terity performed feats, which probably it is wiser to witness than to relate. And when the surrounding naked and painted multitude, exulting in the imposing performance, and in the victory obtained over the incredulity of the white strangers, fixed their eyes upon us, and raised their piercing yell, breaking the sounds by the repeated application of the hand to the mouth, and dancing around us with the activity of mountebanks, and the ferocity of demons,

> 'We dare not say, that then our blood,
> Kept on its wont and tempered flood,'

nor that, under less favorable circumstances, the scene might not have been terrific, and impressed us with recollections, equally difficult to reject and to account for. And there can be no doubt, that similar scenes in other times, with proper 'appliances and means to boot,' have been the origin of most of those stories of Indian miracles and prophecies, which occupy so large a portion of the narratives of our earlier historians and travellers.

But of the moral character and feelings of the Indians, of their mental discipline, of their peculiar opinions, mythological and religious, and of all that is most valuable to man in the history of man, we are about as ignorant, as when Jacques Cartier first ascended the St Lawrence. The constitution of their society, and the ties, by which they are kept together, furnish a paradox, which has never received the explanation it requires. We say they have no government. And they have none, whose operation is felt either in rewards or punishments. And yet their lives and property are protected, and their political relations among themselves, and with other tribes, are duly preserved. Have they then no passions to excite them to deeds of violence, or have they discovered, and reduced to practice, some unknown principle of action in human nature, equally efficacious with the two great motives of hope and fear, upon which all other governments have heretofore rested? Why does an Indian, who has been guilty of murder, tranquilly fold his blanket about his head, and, seating himself upon the ground, await the retributive stroke from the relation of the deceased? A white man, under similar circumstances, would flee, or resist, and we can conceive of no motive, which would induce him to submit to such a sacrifice. Those Indians, who have mur-

dered any of our citizens, have generally surrendered themselves for trial. The Winebagoes convicted at Belleville, the Osages at the Post of Arkansas, and the seven persons now confined at Mackinac, for the murder of four American citizens upon Lake Pepin, in August 1824, freely delivered themselves to our authority, as necessary offerings for their own guilt, and to exonerate their tribes from suspicion or injury. And it is but a just tribute to the impartial execution of our laws to state, that the persons, who were guilty of the atrocious murder of a number of Indians, a few months since in Indiana, were convicted and executed in June last.

This result is, however, sometimes avoided, by an agreement on the part of the friends of the murdered person, to receive a present, instead of the life of the offender. It is the price of blood, and contributions are freely made to it by all the relations of the criminal. But its acceptance, or rejection, is purely voluntary, and as there is no obligation to receive, so no offence is given by refusing this peace offering. The victim dies, if the love of revenge is stronger than the love of property. In 1824, an Ottawa Indian was killed by a Miami. A formal negotiation was carried on between the two tribes, which finally resulted in the payment of five thousand dollars, by the latter to the former. It is worthy of remark, that the right to kill a murderer, without any preparatory demand, is confined to persons of the same tribe. When the criminal and the victim belong to different tribes, a demand must be made, previously to the adoption of any other measure, which if not satisfied, is followed by war.

Within the last year, we ourselves, far in the interior of the country, while surveying the initatory ceremonies of the Indian *meetay*, one of their mystical societies, saw a Chippewa, whose grave and serious demeanor attracted our observation. His appearance led to the inquiry, whether any peculiarity in his situation impressed upon his deportment the air of seriousness, which was too evident to be mistaken. It was ascertained, that he had killed a Potawatamie Indian, during the preceding season, and that the Potawatamies had made the usual demand for his surrender. On a representation, however, that he was deeply in debt, and that his immediate death would cause much injustice to some of the traders, the injured tribe at length agreed to postpone his

execution, till another season, that the produce of his winter's hunt might be applied to the discharge of his debts. He had been successful in his exertions, and had paid the claims against him. He was about to leave his friends, and to receive, with the fortitude of a warrior, the doom which awaited him. He was now, for the last time, enjoying the society of all who were dear to him. No man doubted his resolution, and no man doubted his fate. Instructions, however, were given to the proper agent, to redeem his life at the expense of the United States.

The solution of these moral difficulties, so perplexing in the present state of our knowledge, must be left for future inquirers. We cannot but hope, that the darkness will ere long be dispelled, and that we shall not be left to grope our way with such feeble lights, as serve only to make it the more visible.

It is easier, however, to estimate the difficulties, which have heretofore impeded the acquisition of full and correct information upon all subjects, connected with the past and present condition of the Indians, than it is to obviate them. The earlier and the principal writers on these topics were the Roman Catholic missionaries, who were sent by the French government, at a very early day, into Canada to convert the Indians to christianity. They were men of learning, zeal, and piety, abstracted from all selfish considerations, and wholly devoted to the great objects of their mission. They accompanied the Indians into every part of the country, submitted to unexampled privation, and lived and died with their Neophytes. Their opportunities were most favorable for procuring information, and had they been men of enlarged views, and of sound judgment, we should now have little more to desire. But, unfortunately, every object was seen through the medium of their prejudices, and of their peculiar religious opinions. There was a childish credulity about them, which we know not whether to attribute to their profession, to the age, or to the situations in which they were placed. Every fortunate incident was a miracle; and every uncommon natural occurrence was attributed to the direct interposition of the Deity. A modern French writer, in speaking upon this subject, very pertinently remarks, 'Je ne m'arrête ni à réfuter, ni à examiner de telles asser-

tions ; il semble seulement que la religion véritable trouve, dans ses maladroits sectaires et dans ses prosélytes crédules, des ennemis plus à craindre, que dans ses ennemis les plus ouvertement déclarés.' Even Charlevoix, who was selected by the French government to travel over New France, and to prepare an account of that country, and who wrote so late as 1745, is not free from this superstition. In all other respects, he was a man admirably qualified to discharge the task assigned to him. Patient in investigation, cautious in his belief, and judicious in his observations, his narrative and history contain more sound views on the general subject of the Indians, than the works of all the writers, who preceded, or who have followed him.

In the British colonies, few attempts were made to rescue from approaching destruction, the memorials of the people, who occupied the Atlantic States at the period of the arrival of the Europeans. The aboriginal inhabitants of these colonies rapidly retreated, or disappeared, before the white settlements, nor did they ever evince those attachments to the English, which have marked the intercouse of the interior Indians with the Canadians. There was but little opportunity for doing anything, and but little in fact was done.

Unfortunately, too, for the progress of correct opinions, many of the works of the earlier writers, both English and French, were composed with a view to certain preconceived notions, respecting the origin of the aboriginal inhabitants of America. This was long a *questio vexata*, upon which much sense and nonsense were written, and which we trust no man will again have the folly to revive and discuss. Adair's heavy work is a striking example of the effect of this adaptation of facts to a favorite theory. His great object is to prove, that the Indians are descended from the Jews, and in the teeth of all probability, this object is steadily pursued through a large quarto. No dependence is to be placed upon his statements, where they can produce any effect upon this idle notion. No rational estimate can be formed of the character of any people, without viewing them at home, in their own country, engaged in their ordinary duties and occupations. This is peculiarly the case with the Indians. Those, who hang upon the white settlements, are worthless and abandoned. They have all the vices, without any of the

virtues of civilised and uncivilised life. They know nothing of their own history, nor of the nature of their institutions. Any information derived from them must be vague and unsatisfactory.

But the difficulty of surveying the Indians in their own country, is in direct proportion to its importance. They are jealous and suspicious, unwilling to associate with strangers, and slow to give them their confidence. Persons, unacquainted with them, and ignorant of their language, cannot reside with them, and follow them from camp to camp, through the vicissitudes of the seasons, and exposed to privations, which Indians only can provide against, or successfully encounter. A fortitude and zeal, which could meet and overcome these obstacles, are rarely found, and still more rarely applied to such pursuits.

But the great difficulty, in these investigations, results from the want of some medium of communication between the inquirer and the Indians. Most of the interpreters are of Canadian descent, and do not speak the English language, and none of them are competent, by their education or habits of thinking, to pursue a train of investigation to any practical result. In fact, they can neither comprehend difficulties, which present themselves, nor aid in their solution. In the scale of intellect, they are generally below the more intelligent Indian Chiefs; and all the idle legends of the tribe are received, and repeated by them, with the firmest conviction of their truth. Some progress may be made with their assistance, by interrogating the elder Indians, and by the observance of due caution, in the researches connected with their history, traditions, and manners. And by a tedious process of cross questioning, we may finally arrive at a reasonable probability. And this is the very Ultima Thule of our efforts, beyond which is an unknown region. Those, who reach it, must be more fortunate navigators, than we have been. Their opportunities cannot well be greater, nor their zeal and assiduity directed by stronger hopes of discovery.

But it is particularly in philological investigations, that the poverty of our means of communication is most perceptible, and most to be deplored. The perplexing labor of these pursuits can be fully understood by those only, who have made the experiment. A man, who has all his life said, 'I

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go yesterday,' 'I go today,' 'I go tomorrow;' whose declarations, wishes, and commands, are expressed by the same word; and in whose conversation, there is no variation between action and passion, must be made to comprehend all the distinctions, both obvious and recondite, of tenses, moods, and voices. But notwithstanding these discouraging circumstances, the subject has been pursued with ardor by many persons, and by some, who are qualified to investigate and discuss it.

Governor Clinton's discourse on the history of the Iroquois, delivered before the New York Historical Society, is a performance, highly valuable for the authenticity of its details, for the clearness of its style, and for the sound and judicious remarks, with which it abounds. This succinct abstract has, also, the merit of being the first attempt at a historical account of any one of our Indian tribes, for Colden's work does not aspire to the dignity of history. It is a dry detail of facts, true, no doubt, but without a solitary reflection, calculated to arrest the attention of the reader, and without even an effort to connect causes with their events. It will, probably, be hereafter found, that the most effectual means of rescuing from destruction, the perishable and perishing memorials of the Indian character, will be to follow the example of Governor Clinton, to confine the attention to a single tribe, and trace their history and progress, through the writings of the French travellers, down to our own times.

Several expeditions have been recently despatched into the Indian country, charged, among other objects, to collect information respecting the condition of the Indians; the plan of which has been creditable to the government of the United States, while their execution has reflected honor on the gentlemen employed in these laborious tasks. The late work of Mr Schoolcraft, describing his travels in the central portions of the Mississippi valley, is marked with many original reflections, on subjects connected with the Indians. His opportunities for observation have been great, and it is evident, that they have not been neglected. His official station, and his local residence, are highly advantageous for further investigation, and we trust the same persevering application, which has heretofore characterised his literary labors, will enable him to fulfil the hopes of his friends, and the just expectations of his countrymen.

Major Long, and the gentlemen associated with him in his two expeditions, have furnished much valuable matter on these topics. The statistical facts, which they have reported, are highly valuable, and will be hereafter referred to, as important data in all general and comprehensive views, which may be taken of the then existing state of the Indians. A very laudable anxiety is manifested by these gentlemen, to procure and record every fact, which could aid them or their readers, in forming just conclusions on the various topics discussed in these works. But it is evident that they felt, and felt severely, the inconvenience of pursuing these speculations, even in the Indian country, without the aid of persons competent to interchange ideas between the red and the white man; and the history of the last expedition, particularly, should serve as a warning to future travellers, passing rapidly through the interior, against committing themselves by the discussion of questions affecting our aborigines, for a full consideration of which, much time, tedious and laborious investigations, and highly favorable opportunities, are essentially requisite. It is not every man, who has lost sight of the flag staff of an interior post, or who has seen a buffalo or a muskrat, that can add anything valuable to the immense stock of materials, which has been accumulating for more than three centuries.

The party under Major Long entered the Indian country, in the neighborhood of Fort Wayne, about the last of May, and left it in the beginning of October, at the Falls of St Mary. They traversed more than three thousand miles of interior country, between these points, and were occupied about four months in that part of their journey; a brief space, for the examination of the immense variety of objects, moral and physical, to which their researches were directed. Almost one third part of the history of the expedition is devoted to an account of the Indians, embracing the Sacs, the Potawatamies, the Sioux, and the Chippewas. This last tribe is at the head of the great Algonquin family of the French writers, and was formerly numerous and powerful; extending, even now, in its various ramifications, from Lake Erie to the Eskimaux, who inhabit the borders of the Frozen Ocean. Cursory remarks are also introduced, on the Miamies, Kickapoos, Menominies, and Winebagoes.

The information, from which these accounts were digested and prepared, was furnished by a few Indians, half breeds

and interpreters, whom they encountered upon their journey. These were, for the Potawatamies, Metea, a worthless drunken Potawatamie, and Barron, the interpreter at Fort Wayne, a weak, credulous man; for the Sacs, an Indian of that tribe; for the Sioux, Renville, a trader, who is connected with them by blood; and for the Chippewas, Bruce, a half breed, who speaks no English, and Tanner, who was taken by the Indians in early life, and speaks English very imperfectly. We know all these men well, except Bruce and the Sac Indian; and we know, from our own intercourse with them, that little reliance is to be placed on the judgment of some, and on the veracity of others. Renville is the most intelligent, and even his opinions must be received with great caution. By devoting ample time to the subject, valuable information might be extracted from them, after their confidence was fully gained; and by personal observation and minute inquiries, true and fabulous statements might be separated. But every person, in the slightest degree acquainted with the credulity and prejudices of Indians and Indian interpreters, must know, that answers hastily given to numerous interrogatories, submitted by strangers, passing rapidly through the country, are entitled to very little credit. By some the questions would be misunderstood, and the subject by others; and the ceaseless jealousy and suspicion, which never leave an Indian, would lead to many a wilful misrepresentation.

Surely the intelligent gentlemen, who composed that expedition, will not demand from the readers of its history, their implicit belief in accounts thus collected and reported. The task would be ungrateful in itself, and peculiarly disagreeable to us, to point out the numerous errors of fact and opinion, into which they have been led. We must, however, in justice to our own *national character*, restrict the application of the contemptuous comparison, mentioned in the second volume, (p. 168,) to the sense in which it is used by the Chippewas. It is there stated, that when anything awkward or foolish is done, the Chippewas say, *Wametegogin gegakepatese*, which signifies, 'as stupid as a white man.' The expression used on these occasions is, 'as stupid as a Frenchman.'

Like Frenchman as fool.
Ketchewa Waamitikozheengk aashee Kekeepauteseet.

There is one remark in the work, so general in its application, that if not corrected, it may hereafter lead to important

errors in the investigation of the affinities of the different tribes. It is said, the 'Totem' is a distinguishing characteristic between the nations of the Algonquin family and those of the Sioux. The Potawatamies are stated, and correctly, to have the *Totem*, but 'not to be divided into tribes, designated by the names of animals, as is reported to be the case with the Missouri Indians, but they are distinguished merely from their local habitations.' Now the *Totem* is the armorial badge or bearing of each tribe, into which the various nations are divided. It is the representation of the animal, from which the tribe is named. This is not the place to discuss the principles and objects of this institution. It is one of the most important in aboriginal polity, and its full developement would lead to new views and opinions. Its operation is felt in religious ceremonies, in the laws regulating marriages, and in the succession and election of civil, or, as they are called, Village Chiefs. If one of the tribes has a right to furnish the Chief, the others have a right to elect him.

The tribes are named from the Eagle, the Hawk, the Beaver, the Buffalo, and from all the 'beasts of the field, the fowls of the air,' and the fishes of the rivers and lakes. The succession in the tribes is in the female line, and the figure of the sacred animal is the *Totem*, which every individual of the tribe affixes, whenever his mark is necessary, or wherever he wishes to leave a memorial of himself. This beloved symbol adheres to him in death, and is painted upon the post, which marks his grave. We consider it by no means certain, that the Sioux have no *Totem*. We have conversed with Renville on this subject, and discussed it with him, and with Blondeau, a half breed Fox, perfectly well acquainted with the Mississippi Indians. Blondeau led us to believe, that the institution exists among the Sioux; although perhaps its primitive character and objects are changed, and his observations appeared to shake the opinion of Renville.

But it is certain, that the *Totem* is not confined to the Algonquin family. It is in full operation among the Wyandots and Iroquois, whose language is as different from that of the Algonquin Indians, as the latter is from the Sioux.

In dismissing this subject, we shall merely express the hope, that in any future similar undertaking, to which the gentlemen, engaged in this expedition may be called, they may carry

to the task the same zeal, spirit, and intelligence, which they have already displayed, with more favorable opportunities for their exertion, and with at least a moderate portion of skepticism.

But we must conclude these remarks, which have already extended to an unreasonable length, and proceed to an examination of other works, especially Mr Heckewelder's, and those whose titles are prefixed to this article. From the subjects of which they respectively treat, we shall be naturally led to a consideration of the three great interesting topics, which relate to our Indians; namely, their past and present condition; their languages; and the efforts, which have been and should be made, for their moral and physical melioration.

The American Philosophical Society of Philadelphia, animated by a very laudable desire to place upon record all the information, within their reach, on topics connected with the Indians, instituted certain inquiries, the result of which is contained in the first volume of their Historical and Literary Transactions. This information is derived from Mr. Heckewelder, and consists of his general account of the Delaware tribe, contained in a series of chapters, and a partial analysis of the Delaware language, principally given in an epistolary form, in a correspondence between himself and Mr Duponceau, a distinguished member of the Society, in which correspondence the former is the teacher, and the latter presents himself as the scholar. This kind of written dialogue is liable to serious objections, in grave discussions, where the efforts of the writer, and the attention of the reader should remain unbroken. And notwithstanding the example of Horne Tooke, in the Diversions of Purley, we are prone to the belief, that a little more effort on the part of Mr Duponceau would have enabled him to remodel the correspondence, and combine his questions with the answers of Mr Heckewelder, in such a manner as sensibly to reduce the size of the book, and make a stronger impression on the reader.

Mr Heckewelder was a worthy, zealous Moravian Missionary, who devoted his life, and it was not a short one, to the great cause of Indian missions, and that with more zeal than effect, if we can judge from the character and conduct of the Indians, who belonged to his mission, and who are now under the superintendence of a Moravian clergyman, on La Rivière

à la Tranche, in Upper Canada. He was a man of moderate intellect, and of still more moderate attainments; of great credulity, and with strong personal attachments to the Indians. His entire life was passed among the Delawares, and his knowledge of the Indian history and character was derived wholly from them. The Delaware tribe was the first and the last object of his hopes. Every legendary story of their former power, and of their subsequent fall, such as the old men repeat to the boys, in the long winter evenings, was received by him in perfect good faith, and has been recorded with all the gravity of history. It appears never to have occurred to him, that these traditionary stories, orally repeated from generation to generation, may have finally borne very little resemblance to the events they commemorate, nor that a Delaware could sacrifice the love of truth to the love of his tribe. To those, who know something about Indian traditions, nothing can be more unsatisfactory, than these details, unless they are corroborated by the accounts of the early travellers, or by concurrent circumstances. Mr Heckewelder's naïveté is really amusing; and we now look back, with the soberness of experience, to the time, when, in his own house, upon the Tuscarawas, we were as anxious to hear as he was to relate, the marvellous events of his intercourse with the Indians; and when both narrator and hearer believed all that was told, and frequently in an inverse proportion to its probabity. We esteemed the man when living, and we cherish his memory now he is dead.

And yet with much valuable information, which his book contains, and notwithstanding the purest intentions with which it was written, perhaps no work, that has appeared for half a century, has produced more erroneous impressions on this subject. Mr Heckewelder thought, and reasoned, like an Indian and a Delaware. In all the contests between the whites and their neighbors, he adopted the train of feeling of the latter. He looked solely at their wrongs, and surely they have been enough, without recollecting the horrible atrocities, which from time to time excited the frontier settlers to deeds of revenge, and, we may add, of vengeance. He looks back to some golden age, when all was peace, and plenty, and innocence; and when the Delawares, the *Grandfathers*, as he styles them, of all the Indians, exercised a paternal control over

them. All this may have been so, but there is not the slightest reason to believe it. At the time of the arrival of the Europeans, and, in all probability, long before, the golden and the brazen ages of Indian history had passed away, and had been succeeded, as in other countries, by an age of iron. The various petty tribes were in a state of constant war; of bloody, exterminating war; of war, as in all after times, which knew no distinction of age, sex, or condition. And their own situation and traditions, the offensive and defensive armor which was used, and the numberless fortifications scattered through the country, prove, that this last and worst curse, which could befal them, had been operating for ages.

The bounties of Providence, offered to these deluded people for their comfort and subsistence, on the land and in the water, were wilfully rejected for pursuits, which rendered it unsafe to traverse their forests, or to resort to their rivers and lakes. By Mr Heckewelder's own account, the Delawares were intruders in the Ohio and Atlantic countries, and obtained possession by the extermination of their predecessors.

But independently of these more general views, which led Mr Heckewelder, in all the wars between the whites and the Indians, to see nothing but a contest of strength and avarice on one side, and of weakness and poverty on the other; his personal predilections for the Delawares, and, we may add, his opportunities of intercourse, which were confined to them, gave a strong bias to his judgment on all questions affecting them. Many of his assertions and conclusions are utterly irreconcilable, not only with the most authentic accounts, which have reached us, but with the traditions of other tribes, and with well known circumstances, in which the Delawares have been placed. In fact, his history, if true, would unhinge all our knowledge upon these subjects, and would destroy every vestige of confidence in the early French authors, who wrote almost two centuries ago, under favorable circumstances for observation; and whose knowledge of the Indians extended to every tribe east of the Mississippi, and west of the Allegany mountains. It is not probable, that Mr Heckewelder had the means of comparing these statements with the traditions of the Delawares. He quotes but two or three of them, and these for other purposes. One he designates *Father* La Hontan, doubtless by an oversight.

La Hontan was a soldier by profession, a skeptic in principle, and a very Münchausen in the narrative of his adventures. His whole account of the Long River is an impudent fiction, utterly irreconcilable with the known geography of the country; and his character is well drawn by Charlevoix. This author says, that the great liberty, which La Hontan gave to his pen, contributed much to make his book read and sought after by those, who could not tell to what a degree truth and falsehood were confounded in it; and adds, that an intimate knowledge of the history of Canada is necessary to enable a reader to separate one from the other. 'In short,' continues Charlevoix, 'almost all his proper names are mangled, the greater portion of his facts are disfigured, and entire episodes are inserted, which are pure fictions, such as the voyage on the Long River, not less fabulous than the isle of Barataria, of which Sancho Panza was made governor.' 'En effet presque tous les noms propres y sont estropiés, la plûpart des faits y sont défigûres, et l'on y trouve des épisodes entiers, qui sont des pures fictions, tel qu'est le voyage sur la Riviére Longue, aussi fabuleuse, que l'Isle Barataria, dont Sancho Pansa fut fait le gouverneur.'

The effect of Mr Heckewelder's work, upon the prevailing notions respecting Indian history, is every day more and more visible. It has furnished materials for the writers of periodical works, and even of *history;* and in one of those beautiful delineations of American scenery, incidents, and manners, for which we are indebted to the taste and talent of our eminent novelist, 'the last of the Mohegans' is an Indian of the school of Mr Heckewelder, and not of the school of nature.* To counteract these erroneous opinions, we shall enumerate some of the more prominent errors, into which

* An anecdote has just gone the round of the papers, which admirably illustrates this misapplication of the feelings and sentiments of civilised life to the Indians. In the account of the introduction of Red Jacket to Lafayette, it is said, that Lafayette asked him, where was the young Seneca, who, in 1784, at Fort Schuyler, so eloquently opposed the burying of the tomahawk. 'The old warrior replied, with all his native peculiarity, "He has the honor to stand before you."' Native peculiarity indeed! This might suit a Parisian dancing master. If such a question were ever put to Red Jacket, we venture to say, he struck his breast, elevated himself, and exclaimed, *Eeh!* It is not a month since we saw, in a respectable paper, an account of a society among the Menomonies, to which persons were admitted by ballot, and where all the ballots must be unanimous to authorise admission!

the author has fallen; contenting ourselves with the tribute we have already paid to the memory of Mr Heckewelder, and to the merits of the work.

The orthography adopted for the name, by which the Delawares distinguished themselves, *Lenni Lenape*, is not correct, and conveys a very erroneous idea of the sound. It should be written *Lenee Lenaupé*, with the accent on the last syllable, and a strong expiration of the breath; conveying a sound, which has no exact representative in the English alphabet. Mr Heckewelder indulges himself in much speculation, concerning the meaning of these words. *Lenno*, he says, is man, and *Lenape*, original. *Lenee* is undoubtedly used by the Delawares, in a restricted sense, to signify man. But its more general and proper meaning, is male. Our word *original* conveys an improper idea of the Delaware word Lenaupé. Its true meaning is *common;* and it is applied to such objects, either of nature or of art, as are of common occurrence. Thus, *Aughkweeyun* is cloth, and *Lenee Aughkweeyun*, is common cloth, such as the Indians ordinarily use. *Piyaughkeekun* is a gun, and *Lenee Piyaughkeekun*, is a fusil, or common gun, as contradistinguished from a rifle. The signification of *original*, given by Mr Heckewelder to the word *Lenaupé*, furnishes him with an argument to support his favorite theory, that the Delawares are the stock from which all the other Indians descended.* Even if this application were well established, it would only evince a little national vanity, too common and too harmless for serious examination. A similar instance is found in a remote tribe under the arctic circle, who, according to Captain Franklin, designate themselves, *the People*.†

No inconsiderable portion of this work is devoted to a description of the claims, advanced by the Delawares to a superiority over the other Indians, and to a recapitulation of their traditions upon this subject. Had the author's acquaintance with the various tribes been more general, he would have known, that these claims were too frequent among them

* There seems to be much confusion in Mr Heckewelder's own ideas of the name in question, as may be seen by comparing the passages in which he speaks of it. See pp. 25, 368, 412.

† Franklin's Narrative, p. 142.

to be entitled to much consideration. The traditions of almost all of them bear too evident marks of national partiality, to be received without due caution. The patronymic name, *Grandfather*, applied by most of the tribes to the Delawares, and so much relied upon by Mr Heckewelder, furnishes no ground for the conclusion which he draws. The family appellations, given by various tribes to one another, cannot be traced to any relations, which have subsisted between them, since their history has been known to us. This is a curious subject, and involved in much obscurity. Perhaps a full consideration of it might lead to important conclusions. They seem to have considered themselves members of one family, standing in different degrees of relation to one another. Of this family, the Wyandot tribe is the elder brother. All the other tribes, except the Delaware, acknowledge this claim of primogeniture, on the part of the Wyandots. The Delawares call them *uncle*, and this relation is acknowledged by the use of the corresponding term *nephew*. The terms, *grandfather* and *grandchildren*, are interchangeably used between the other tribes and the Delawares. Of those, some are brothers, and some younger brothers. And it is not a little remarkable, that these claims of kindred seem to have no connexion with the present languages spoken by the Indians. We should naturally expect, that the most remote relations would be found subsisting between tribes, whose languages are radically different ; being probably descended from different stocks, or from the same stock at very different intervals.

We place no reliance on the traditionary narrative, given by the Delawares, of their early migrations. Of all sources of information these legendary tales are the most uncertain.* How many accounts have been given by the Indians, of the former existence of the mammoth, and of the period and circumstances of their extinction ? Every reader will recollect the speech in the ' Notes on Virginia,' respecting the escape of the last of the species. And yet all these pretended traditions must have been mere fictions, probably in-

* In the second volume of Major Long's first expedition, page 371, in a report from that officer to the War Department, are some sound and judicious observations, concerning the value of Indian traditions. They accord entirely with our observation, and we recommend their perusal to all, who are disposed to give much credit to these legends.

vented to satisfy the inquiries of the white man. Geologists are now teaching us, that these remains are wrecks of the antediluvian world.

The account given by the Delawares, of the destruction of the *Allegewi*, is probably entitled to similar credit. The derivation of the present name of the Allegany river from that word may be correct. Our information does not enable us to form an opinion upon this point. But it adds little to the probability of the story, which it is introduced to support, if it be as erroneous as the derivation of the word *Mississippi*. Mr Heckewelder derives this from *Namæs*, a fish, and *Sipu*, river. A most unfortunate appellation for the Mississippi, unless it is intended to denote, that very few fish are found in it. The fact is, the name is derived from two Chippewa words, *Meesee*, great, and *Seepee*, river. This word *Meesee*, or *Meechee*, for it is differently pronounced in different places, is found in Michigan, Michilimackinac, Missouri, Mississaugau, and in many other names.

The ancient fortifications, scattered through the United States, and attributed by Mr Heckewelder to these Allegewi, have been the fruitful source of abundant speculation. We have no doubt, that they were erected by the forefathers of the present Indians, as places of refuge against the incursions of their enemies, and of security for their women and children, when they were compelled to leave them for the duties of the chase.* And much of the mystery, in which this subject has been involved, owes its origin to a want of due consideration of the circumstances and condition of the Indians. We do not reflect on their almost infinite division into petty tribes, and on their hereditary and exterminating hostilities. Nor have we reflected, that the stone tomahawk is a very inefficient instrument for cutting timber into palisades; nor that, if fire be adopted as a substitute, the process is tedious and laborious. Their transportation, too, must have been a serious objection to their use, and in a few years they required renewal. Even when otherwise proper, they were always liable to be burned by the enemy. These circum-

* Wherever the human race is placed, similar circumstances lead to similar customs. Dr Clarke remarks, that, 'a peculiar circumstance characterised the topography of ancient Greece. Every metropolis possessed its citadel and plain; the citadel as a place of refuge during war, the plain as a source of agriculture during peace.'

stances render it probable, that the erection of earthen parapets was the most economical and desirable mode, in which the Indians could provide for the security of themselves, and of those, who were most dear to them. And their migratory habits will sufficiently account for the number of these works, without resorting to the existence of a dense population, utterly irreconcilable with the habits of a people, who have not yet passed the hunter state of life. But a full consideration of this topic would carry us far beyond the limits of this article.

The history of the former power of the Delawares, and of the manner in which the sceptre departed from them, is almost too puerile for grave criticism. That an Indian tribe, while in the full career of victory, should be stopped, by a proposition from their rivals and enemies to become women, to put on a petticoat, or *matchicoaté*, the last degradation to which a warrior could submit, requires a degree of credulity greater than has fallen to our lot. This story is utterly irreconcilable with all previous accounts. The Delawares, two centuries ago, were a comparatively feeble tribe, occupying the eastern portion of Pennsylvania. They had yielded to the power of the Iroquois, the Romans of this part of the continent. These facts are stated by the Iroquois, and are corroborated by a thousand circumstances. It is not necessary to adduce the proofs here. Many of them will be found in the discourse of Governor Clinton, to which we have before referred. It will there be seen, that the powerful Iroquois confederacy had obtained a preponderating influence over all the Indians, who surrounded them, and that they carried dismay and death from the St Lawrence to the Mississippi.

Mr Heckewelder expresses his wonder, that the French historians took no notice of the Delawares. This tribe, however, is sometimes mentioned by them under the name of *Loups*, and not of *Lenape*, as he was informed by a *French gentleman*. This term, *Loups*, like the *Chat sauvage*, applied to the Shawnese, was, at first, probably a mere *sobriquet*, accidentally given, and continued, because it enabled the French to converse about the Indians, in their own presence, and without their knowledge. These names had no relation, as Mr Heckewelder supposes, to the name of any particular

tribe. In like manner, and with similar views, the Dahcotah were called Sioux; the Hochunkerah, Puans; the Wyandots, Hurons; the Menomonies, Folles Avoines; the Chippewas, Sauteurs; and all the others had similar masked appellations. But a sufficient reason for the little figure made by the Delawares, in the early histories, will be found in the total loss of their power and influence, and in the disgraceful necessity of passing *sub jugo* before their enemies. Their own account of this transaction is a nursery tale, by which a fallen people endeavor to conceal from others, and perhaps from themselves, the story of their defeat and disgrace.

We did intend to advert to other important errors, into which Mr Heckewelder has been led by his partial knowledge of the Indian tribes, and by the unbounded confidence he placed in the stories of his Delaware friends. Not certainly, on our part, in any captious temper, but merely to guard the reader against too implicit confidence in general results, when important details are thus obviously erroneous. Among these is his brief account of the Wyandots, formerly, we are inclined to believe, at the head of all the Indians, and holding the great Council Fire; and yet claiming the first seat and signature at all treaties. Of a similar nature is his account of Tecumthé,* whom he confounds with the Prophet. They were brothers, but as different in their characters, as they have been in their fate. The conversation between Colonel Crawford and Wingenund, is, we have reason to believe, wholly apocryphal. It accords as little with our notions of Indian sentiments, as it does with the account we have received of this melancholy catastrophe from other quarters.† But we are admonished, by the task yet before us, to bring these observations to a close, and to submit to our readers a few brief remarks, on the philological discussions contained in this work.

* The name of this celebrated chief has usually been written in this country, *Tecumseh*, but the true orthography is *Tecumthé*, as in the text, and as it is correctly written by the Canadian and English writers.

† The dialogue between Crawford and Wingenund, occupies three pages of the book. No white man was, or could be, present to hear or to record it. It contains quite a logical argument between the Indian Chief, and the victim at the stake, respecting the justice of the approaching execution. 'Had you,' says Wingenund, 'attended to the Indian principle, that as good and evil cannot dwell together in the same heart,' &c. This *Indian principle* is new to us,

Mr Heckewelder divides the languages, spoken by our Indian tribes, into four great classes, which he denominates the *Karalit*, the *Iroquois*, the *Lenape*, and the *Floridian*.* With the first class we have no concern. It is spoken only by the Eskimaux. The others are intended to comprehend all the dialects, which are found in this part of the continent.

The great division of the French writers was into the *Huron*, the *Algonquin*, and the *Sioux* languages; and the first reflection, which strikes us, is, whether anything is gained by this new classification. Of the dialects spoken in the south, and which Mr Heckewelder denominates Floridian, such as the Creek, the Choctaw, Cherokee, and Chickasaw, we know too little to hazard an opinion; and far too little presumptuously to determine, whether they are primitive or derivative. Ignorance is preferable to error, and as Mr Heckewelder furnishes no authority for this branch of his general synopsis, and acknowledges (p. 113) 'that we know very little about the southern Indians,' we may safely dismiss, for some future opportunity, all considerations connected with them. They may, or they may not, be radically different from the other languages.

and it would be difficult to find it, either speculatively or practically, in any other place, than this Delaware school of ethics. Crawford asks Wingenund if their former friendship still continued; to which the latter very stoically replies, 'It would be the same, were you in your proper place and not here.'

In page 311, in another dialogue, an Indian is made to say, 'I am a kind of Chief;' and p. 313, 'How much meat would my wife have dried, how much tallow saved and sold, or exchanged for salt, flour, tea, and chocolate!' He, who can believe that such conversations actually took place, must be left to correct his opinions in the school of experience.

Tarhé, or the Crane, the late principal Chief of the Wyandots, and one of the most respectable Indians whom we ever knew, has more than once related to us all the incidents attending the death of Colonel Crawford. Wingenund and the Delawares, in the circumstances preceding that transaction, did not occupy the stations assigned them in Mr Heckewelder's history. The Wyandots fought the battle and gained the victory. They, however, relinquished the murder of Crawford to the Delawares, because the latter were importunate in their demands for his surrender to them.

Tarhé, or the Crane, is the Chief, who is stated by Mr Heckewelder to have murdered Leather Lips, in obedience to the orders of the Prophet. No order was ever issued by the Prophet to Tarhé. The rank, character, and authority of the Wyandot Chief forbade such an interposition, and his feelings and principles would have prevented his interference, had the attempt been made to influence him. Leather Lips was killed during the delusion, which prevailed among the Indians, after their general convocation at Greenville, to hear the doctrines of the Prophet.

* See Heckewelder's Historical Account, Chap. IX.

The Huron, or as Mr Heckewelder terms it, the Iroquois, is certainly one of the original languages spoken by the Indians of the United States. It is confined to the Wyandots, the Iroquois, and their kindred tribes. The attempt to reduce the Sioux language, under the same general head, could have originated only in the very defective materials, which Mr Heckewelder possessed. The languages comprehended in that class, and spoken by the Sioux, the Winebagoes, the Joways, the Ottos, the Missouries, are radically different from the Huron. And what reason is given, for this dismission of one of the general divisions of the received classification, and for ranging the Hurons and Sioux as branches of the same family? No vocabulary is inserted or referred to; nothing but the *sic volo* to satisfy the inquirer. In page 390, indeed, the facts are given by Mr Heckewelder, in support of this hypothesis, and most strange they are. It is there suggested, that the Naudowessies or Sioux, and the Hurons or Wyandots, are the same people, because there are three rivers, which we call Huron, and which the Chippewas call Naduwewi, or Naudowessie Sipi, in the vicinity of Detroit.

Nautowa is the Chippewa name for the Wyandots, and Assigona for the Iroquois. In the plural *Nautowake* and *Assigonake*. Their true name for the Sioux is *Bwoinuk;* but Naudowessie is the Chippewa word for *enemy*, and as the Sioux have for generations carried on war against them, this appellation is sometimes emphatically given to them by the Chippewas. The name of the rivers referred to by Mr Heckewelder is Nautowa Sepe, or *River of the Wyandots*, and probably took its rise from some local occurrence connected with them. The Sioux and the Wyandots, as we can testify from our own observation, are different from each other in appearance, local residence, many important traits of character and manners, languages, and in everything, which, in the present state of our knowledge, constitutes Indian national identity.

Mr Duponceau's opinion of the harmony and music of the Wyandot language struck us as remarkable. Of all the languages spoken by man, since the confusion of tongues at the tower of Babel, it least deserves this character. It is harsh, guttural, and undistinguishable; filled with intonations, that seem to start from the speaker with great pain and effort. It

is a well known fact, that no man ever became master of it, after he had arrived at years of maturity; and its acquisition is universally considered upon the frontier as a hopeless task. We cannot but suspect our friends, 'Armstrong and Walker,' of *playing old soldiers*, and giving a mellifluous twang to their speech, to which it had no legitimate pretensions.

Mr Duponceau displays much philological acuteness, and an entire knowledge of the principles of universal grammar; and he deserves great credit for the ardor, with which he has devoted himself to these tedious and laborious investigations, many of which are ably and successfully conducted. But he is evidently much given to classification; he began these inquiries apparently with a strong predisposition for admiration, and with high expectations, that new and important principles would be developed. 'What,' says he, 'would Tibullus or Sappho have given, to have had at their command a word at once so tender and so expressive!' And what is the word, which has such power to kindle his enthusiasm? It is one, which, in its true orthography, if it sounds to the Muses as it does to our dull ears, would put to flight every poetical effusion; *Wulamalessohalian*, 'Thou who makest me happy.' The word should be written and pronounced, *Walemulsoo-hauleun*, or *Walemulsoo hauleun*, for we are strongly inclined to think, that liberties have been taken in these combinations, not wholly justified by the Delaware language. The infinitive of the verb is said, by Mr Duponceau, as quoted from Zeisberger, to be Wulamalessohen, 'to make happy.' Hence,

Wulamalessohalid,	He who makes me happy.
Wulamalessohalquon,	He who makes thee happy.
Wulamalessohalat,	He who makes him happy.
Wulamalessohalian,	Thou who makest me happy.

As the only variations, by which the pronouns are expressed in these cases, are *alid*, *alquon*, *alat*, *alian*, these must respectively mean, 'he who me,' 'he who thee,' 'he who him,' 'thou who me.' There are no pronominal affixes, nor do either of these syllables indicate the separable, or inseparable pronominal suffixes. There is no word for *who*, in the whole range of the Indian languages, as far as we are acquainted with them, and there is certainly none in the Delaware. Into whatever elements these terminations may be resolved, the meaning, rendered necessary by the subjoined

translations, cannot be given to them. There is, through the whole book, such a want of precision in the translations, and such a confusion of Delaware and Munsee words, as render the deductions very unsatisfactory.

Mr Heckewelder's reply to Mr Duponceau's inquiries, respecting some analagous word in the Delaware, to the word *morituri* in Latin, affords another illustration in point. He seems unwilling, that any syntactical forms should be found, which do not exist in the Delaware, and produces examples *pari passu*. Not certainly with the slightest disposition to misrepresent, but because the subject was not very familiar to him, and because slight analogies are easily traced between languages, the most remote in their principles. Mr Heckewelder says, (p. 423,) that there is a Delaware word, *Elumiangellatschik*, which means, 'those who are on the point of dying, or who are about to die.' The word meant to be written here, is Alumeeungelutcheek, but it has been evidently formed to meet the case, and formed upon erroneous principles. *Alemee* is an adverb, and means *about*. Mr Heckewelder calls it *Elumi*, and says it is derived from the verb *N'dallemi*, which means, 'I am going about (something.') *N'dallemi Wickheen*, 'I am going to build.' There is no such verb in the Delaware language as *dallemi*. The *N'* is the pronominal sign of *Nee*, *I*. The *d* is inserted in all cases after this sign, where the next word begins with a vowel. *Alemee* is the adverb, which generally, in the arrangement of Indian sentences, precedes the verb. *Ungelukeek* is from *Ungel*, to die, with the pronominal sign suffixed, *ukeek*, or *keek*, they, which we believe is confined in this form to neuter verbs, and retains or drops the *u*, as euphony may require. *Tsh*, which indicates the future, is not used in this combination. The word *Alemee* sufficiently indicates, that the time is about to commence. The word, therefore, intended to be formed by Mr Heckewelder, should be written *Alemee ungelukeek*, and, literally translated, means, 'about they die.' So much for analogy.

There is, in all our Indian languages, a strong tendency to combination. We believe they were originally monosyllabic in their formation, and extremely limited in their application. Even now at least one fourth part of the Chippewa words are monosyllables. As the poverty of these languages be-

came apparent, and necessity required the introduction of new terms, they were formed by the combination of words already existing. It is not easy to define the limits of this principle, nor to analyse the rules of its application. Some letters are omitted, and the changes are frequently so great, as to render it difficult to reduce the word to its original elements. Mr Heckewelder has given many examples of this process, but too often with the negligence, which characterises his work. Mr Duponceau exclaims in a quotation from Göethe, 'O how a nation is to be envied, that can express such delicate shades of thought in one single word.' Here follow other examples.

Machelemuxowagan,	Honor, the being honored.
Gettemagelemuxowagan,	The receiving favor, mercy, tenderness.
Mamschalgussiwagan,	The being held in remembrance.
Amangachgenimgussowagan,	The being raised or elevated by praise.
Mamamchtschimgussowagan,	The being insulted.

Pronounce these who can. We eschew the task. It is idle to talk of such words. Every language may have as many, as the most ecstatic philologist could require. It is only to combine the words together, and when the combination ceases, there is an end to the compound word, and not before. But little would be gained for the ear, or the mind, by such a process.

In page 368, we have,

Wuskilenno,	A young man,
Kigeyilenno,	An aged man,
Gichtochqueu,	An aged woman.

Wooskee is *young*, and Lunno is *man*, and the word given as a combination by Mr Heckewelder is pronounced *Wooskee lunno*, and is as much two words, as young man in the English language. 'Kigeyilenno' should be written *Khiki*, old, *Lunno*, man. 'Gichtochqueu' should be *Khiki*, old, *Ohkwaa*, (not Ochqueu,) woman. The unsettled orthography adopted in this work conveys to the reader very imperfect notions of the sounds of the words.

In the translation of works from one language to another, it is commonly the object of the translator to preserve the spirit

of his author, and to avoid the introduction of foreign idioms. But in inquiries into the comparative principles of different languages, words should be literally rendered; and this precision can alone give value to these investigations. Mr Heckewelder has violated this rule, and to such a degree as greatly to impair the utility of his work.

In page 422, *Eliwulek* is said to be, 'He who is above everything.' The expression should be Aloo Woolituk, from *Aloowee*, more, and *Woolit*, good. The *uk* is the mark of the superlative degree; so that *Aloo woolituk* is 'most good.' *Eluwantowit* is translated, 'God above all.' The word should be *Aloo wontoowit*, and is formed from *Aloowee*, more, and *Katunatoowit*, a compound, of whose elements we are ignorant, but which means God; so that *Aloo wontoowit* is, 'more God.'

Eluwiahoalgussit is translated, 'The beloved of all things,' (p. 423.) It should be Aloowee ahoalkooseet, 'more he is loved.' *Eluwitschanessik* is said to be, 'the strongest of all.' It should be Aloowee tsharnesseek, 'more he is strong.' *Eluwischiechsit*, 'the supremely good,' should be Alooweek sheekseet, 'most he is good.'

Again, (p. 454,) it is said, that *N'dellemuske* means, 'I am going away.' This word is formed from the pronominal sign *N'*, *I*, the adverb *Alemee*, about, and *bumskau*, go, and should be rendered, 'I about go.' So *Ickalli áal* is said to be, 'away with you.' *Ikarle* means there, and *awl* is a verb, which means to go or come, properly, *to move*, and this expression should be translated, 'there move.'

In page 458, *N'dapi áman*, is rendered, 'I come from fishing with a hook and line.' *Aman* on the same page is rendered a fish hook. So that the word *Aman*, must mean fishing with a hook and line, and a fish hook. But this incongruity is to be found, not in the Delaware language, but in Mr Heckewelder's book, and results from the unjustifiable liberties taken with the translation. *N'dapi* does not mean, 'to come from.' That idea implying locomotion is conveyed by the word *Noom*, I come. *N'dapi* implies the termination of a recent act; and *Aman* is simply a fish hook. The words cannot with any propriety be used together. *Naumase* is a fish, and the participial form of that word should have

been used here, as it is upon the same page, where he says, 'I am come from taking fish with a spear,' *N'dapi notamæsi.*

In the next page several examples are given of the use of the addition *ink*.

Gauwáhenink,	At the place of fallen timbers.
Pachséyink,	In the valley.
Gámink,	On the other side of the river.

The *ink* in these instances is translated *at*, *in*, and *on*. It is neither of these, but is a mere sign of locality. A Delaware cannot express that operation of the verb upon the object, which is indicated in many of the ancient languages, by inflections, or cases, and in the modern, by prepositions. He cannot discriminate between, *in* the house, and *out* of the house, and *over* the house, and *under* the house. This strange poverty in languages, abounding with many useless variations, is supplied by gesticulation only; and no man has ever seen an Indian in conversation, without being sensible, that the head, and the hands, and the body, are all put in requisition to aid the tongue in the performance of its appropriate duty.

In our Indian languages, we have almost everything yet to learn. Till within a few years, our whole stock of information comprised only a few meagre vocabularies, collected here and there, and written with such an unsettled orthography, as to render them almost useless. Recently the subject has excited greater attention, and several grammars, with more or less merit, have been published. We trust these inquiries will be pursued, and at all events, that this almost only enduring memorial of Indian existence, will not be suffered to pass away unheeded and forgotten.

The range of thought of our Indian neighbors is extremely limited. Of abstract ideas they are almost wholly destitute. They have no sciences, and their religious notions are confused and circumscribed. They have but little property, less law, and no public offences. They soon forget the past, improvidently disregard the future, and waste their thoughts, when they do think, upon the present. The character of all original languages must depend, more or less, upon the wants, means, and occupations, mental and physical, of the people who speak them, and we ought not to expect to find the complicated refinements of polished tongues, among those of our Indians. He, who sits down to these investigations with such

an expectation, will certainly rise from his task disappointed. It would lead us too far to give even a brief analysis of any of these languages, or to enumerate those particulars, in which they are most deficient, and which render them, in all the business of life, indeterminate in their application.

It is, however, not a little singular, that some complicated forms and strange redundancies should be found, of which it is difficult to trace the origin, or to assign the object. Among these are the combinations, by which the pronouns, actor and subject, are associated with the verb. One is prefixed, and the other suffixed; and the latter is generally inseparable in its form. The active verbs cannot be used without this personal association. An Indian cannot say, 'I love,' 'I hate,' 'I fear,' abstracted from the operation of the verb upon the object. He must say, 'friend I love him;' 'enemy I hate him;' 'bear I fear him.'

It is stated in the work under notice, (p. 378,) that *N'dahoala* means 'I love,' and it is placed in the present tense of the indicative mood. On the same page, and in the first personal form, *N'dahoala* is said to be, 'I love him or her.' Such is the spirit of accommodation in which examples are furnished! The latter, however, is the true meaning of the word, and no Indian, we have reason to believe, certainly no Delaware, can express the former idea.

These combinations give to the Delaware verbs what has been called, 'the richness of their grammatical forms.' But they are certainly useless appendages, adding no precision to the language, condensing its phraseology but little, and perplexing it with an almost infinite variety of combinations. How came they here, associated with syntactical forms in other respects simple and inartificial, and useless to the people by whom they are spoken? Are they the wrecks of more polished tongues, acquired in far different circumstances, and almost lost in the lapse of ages?

In some of these languages, the adjectives are subjected to variations depending not on the gender nor degree, but on the nature of the objects to which they are applied. Among the Delawares, things which have life, whether animal or vegetable, are qualified by adjectives, different from those which are applied to inanimate objects.

Good.

Animate.	Inanimate.
Woolussoo.	Woolit.
Good man.	Good gun.
Woolussoo Lunno.	Woolit Piyaughkeekun.

Bad.

Mohtutsoo.	Mohtut.
Bad dog.	Bad canoe.
Mohtutsoo M'wikona.	Mohtut Umoghool.

In the Chippewa language, this rule is more limited in its application. It is restricted to objects with animal life, and to these it is applied only while alive.

Animate.		Inanimate.
Ugausau,	*little*,	Pungee.
Sugausau,	*fine*,	Besau.
Nohun,	*soft*,	Pekokeet.
Mindido,	*great*,	Mitchee, or Meesee.

The principle, in both, extends to verbs. The Delawares say,

Apple bring.	Water bring.
Aupelish naul.	M'bee nauten.

The Chippewas say,

Animate.		Inanimate.
Peesh,	*bring*,	Peedoon.
Waubemau,	*see*,	Waubendon.

The Delawares have yet another division of adjectives, applicable to solids or to fluids.

Liquids.		Solids.
Tungitee,	*little*,	Kahitee.
Little milk.		Little bread.
Tungitee Noonaukun.		Kahitee Auhpone.

In many of these languages, there is a singular contrivance to indicate the death of a person, without an explicit declaration of the fact. It is considered a delicate allusion to the subject, like the Roman *vixit*, which was used by that people for the same purpose. And strange indeed is it, that this affectation of delicacy should be found among two nations in opposite hemispheres, one of whom could view with pleasure the revolting spectacles in their gladiatorial arenæ, and the other could commit atrocities, which make the blood run cold,

while they are related. Neither of them could talk of death, but both could behold it in its most horrid forms.

The addition of *au* in the Delaware, or of *bun* in the Chippewa, to any proper name, indicates with certainty, that the person mentioned is dead. Tecumthé *au*, Pontiac *obun*, (the *o* is inserted to aid the sound,) could not be misunderstood by an Indian. He would instantly perceive, that his once celebrated countrymen were dead. The syllables have no relation, however, to death. We are ignorant of the root of the Delaware suffix. The Chippewa *bun* is the invariable mark of the past tense, and is probably derived from *Jaube*, being.

And here it may not be uninteresting to correct an error, into which many of our philologists have fallen, that the verb to be, *sum*, is not found in any of our Indian languages. In the Miami it is in constant use, and there can be no mistake in its application.

I am.	He is.
Eshinekosearn.	Eshinekosit.

In the Sioux it is,

Here I am.	Mountain is yonder.
Daang mangka.	Kharkhar ka karkeear.

Mr Heckewelder is incorrect, in the answer he has given to the inquiry of Mr Duponceau, respecting the existence of words in the Indian languages, confined in their use to the different sexes. These sexual words are found in almost all the languages, and it would be considered highly indelicate for either sex to use the words appropriated to the other.

The following words, in the different languages, are limited in their use by this principle.

Masculine.		Feminine.
	In the Chippewa.	
Needjee.	*My friend.*	Neendongwa.
Tyau.	*Exclamation of surprise.*	N'yau.
	Sioux.	
Metsheengya.	*My elder brother.*	Meteemendo.
Metungha.	*My elder sister.*	Meetshong.
Metungshe.	*My younger sister.*	Metunghar.
Metarkarshe.	*My cousin.*	Metshashe.

Masculine.		Feminine.
	KICKAPOO.	
Neekarnar.	*My friend.*	Squa.
	SAC AND FOX.	
Neekaulau.	*My friend,* (when absent,)	Squa.
Neekaul.	*My friend,* (when present,)	Neekaul.
	OTTAWA.	
Neetshee.	*My friend.*	Ndongwa.
	POTAWATAMIE.	
Neekarn.	*My friend.*	Kwatshee.
	WYANDOT.	
N'yuteroo.	*My friend.*	Nyatzee.
W'hoo.	*Exclamation of surprise.*	Nuya.
	SHAWNESE.	
Neekarnar.	*My friend.*	Neeleemwa.
Alalewee.	*Expression of surprise.*	Waupomee.
Aumala.	*Expression of contempt.*	Ashekartshee.

It will be observed, that in these remarks, we have confined ourselves principally to the Delaware language ; because our examination of Mr Heckewelder's work necessarily restricted the range of our inquiry. Nor have we any intention to detain our readers by a general investigation of Indian languages.*

We have already expressed our doubts, as to the classification adopted in that work ; nor are we better satisfied with the synoptical view of the American languages, given by Adelung in his 'Survey of all the known Languages and their Dialects.' This work, and its predecessor, the *Mithridates*, to which Mr Duponceau acknowledges his obligations, are monuments of the zeal, industry, and erudition of their authors. But it is to be regretted, that the defective state of their materials has led them into so many errors, in their investigations of the languages of the North American Indians. It is impossible, from any vocabularies now existing, to arrange these languages into their respective families, separating the primitive stocks from one another, and connecting the affiliated dialects, without a personal and intimate knowledge of the various tribes. Their names have been so multiplied, by the ignorance and carelessness of travellers,

* An analysis of Mr Heckewelder's work will be found in the North American Review, No. xxiv, for June, 1819.

that great caution is necessary in their application, lest exaggerated estimates be formed of the number of these communities.

The general geographical divisions, into which the tribes are separated, in the 'Survey' of Adelung, evince an ignorance of the features of the country, and of the situation of the Indians. The southern tribes, the Creeks, Choctaws, and others, are arranged with the Iroquois; while the Northwestern Indians are connected with those of the Eastern and middle Atlantic coast; the general divisions thus crossing each other.

But the most important errors are found in the names of the tribes, and in the affinities of their dialects. The author has apparently proceeded, with the narrative of every traveller through the Indian country in his hand, and recorded the names as he found them; adjusting their connexion by their residence, by meagre vocabularies, or by the slight notices given of them. The same tribe, by these means, has different names and different associations; and a distinct appellation and peculiar dialect are given to every little local band. It is easy to conceive, that by this process, the number of the American languages may be swelled to '*twelve hundred and fourteen*,' and, in fact, to any other which the pride of discovery may require.*

In the principal division (D,) subdivision (a,) and minor subdivision (4,) the Twightwees, or Miamies, are placed at the head of a family, which is divided into Ouyatonons and Illinois.

But the Miamies and Ouyatonons, properly Weweatanon, and now called Weas, are bands of the same tribe, without any perceptible difference in their dialects. The Illinois tribes are not now, nor were they ever, branches of the Miami family. There is reason to think, that at a remote period, the Miamies were nearly connected with some of these tribes. But it is difficult to ascertain with precision, who were included in the general designation of Illinois Indians. The name was given them at an early day, but it was rather descriptive of the country, which they occupied,

* For that part of Adelung's *Survey*, relating to the American languages, and referred to in the present remarks, see North American Review, for January, 1822. Vol. xiv. p. 135.

than of any natural association or political confederacy among its inhabitants. The Illinois tribes were stated by Charlevoix to be the Moingonas, the Peorias, the Tamarorias, the Coaquias, and the Kaskaskias. But Bossu considers the Peorias, as allies only of the Illinois. Adelung includes in the Illinois family the 'Kaskaskias, the Cahokias, the Piorias, the Kasquias,' (but another name for the Kaskaskias) 'the Mitchigamies, the Piankashaws, the Kikapoos, the Poteouatamies, Pottawatameh, or Pattawottomi, the Outaouas, and the Chaûnis.'

Now the Kikapoos, written Kickapoos, and the Chaûnis, written Shawanos, Sawanno, Shawnee, an identity of which the author appears wholly ignorant, had already formed his second and third subdivisions, and preceded the Miamies in this general division. But they are here classed as tribes of one of the families of that nation.

The most unpardonable negligence alone could arrange the Kickapoos, the Potawatamies, the Ottawas, and the Shawnese, as members of the Illinois confederacy. Their separate existence, as independent communities, is coeval with our earliest knowledge of the Indians, and they are all well known and important tribes. And what is still worse, the Potawatamies, written Poüteoüatami, are, (in division D. c. 1. *δ*. ee,) placed as a branch of the Algonquin family. The Ouyatanons, already classed with the Miamies, are reintroduced under the name Ojatinon, (ff) as a separate tribe. And the Miamies themselves again make their appearance, under the name Oumami (a a) in a very subordinate situation.

In the subdivision, to which we have last alluded, the Outagamies, (c c) the Malomimis, (d d) and the Sakis, (g g) are classed with the others as affiliated tribes. But they had been before arranged, in the preceding general division, (B. c.) with slight orthographical variations. They are there called Sakies, or Saukis, Ottogamies, and Menomenes, or Folle Avoine.

This association is, in any analysis of the Indian languages, erroneous. The language of the Menomonies cannot be understood by the Sacs and Foxes, (Saukies and Ottogamies.) Whether the former speak an Algonquin dialect, or a primitive language, is a question not yet settled. But the fact is

certain, that in their intercourse with one another, they are not understood by the adjacent tribes.

In the general division (D. c. 2. ε.) the Ottawas, whom we have already seen enumerated as one of the Illinois tribes, under the name Outaonas, are again introduced in the same relation to the Chippewas. The word is here written Ottoways, Ottawas, and Wtáwas. This last is the orthography of Mr Heckewelder, and we confess our inability to pronounce it.

The Erigas, or Eries, and the Makontens, properly Mascontens, are enumerated as existing tribes; but they have disappeared for ages, and of the Eries little was ever known, except from the relations of the other Indians.

The Osages and the Pawnees, whose languages are radically different, are classed together; and the Jowas, Ottoes, Missouries, and Winebagoes, are detached from the Sioux, with whom they are closely connected by dialect, and attached to the Osages.

The Stone Indians, (Assiniboins,) are arranged in one place with the Chippewas, and in another with the Sioux; and the Crees are enumerated as a branch of the Chippewa family, (D. c. 2. β.) and immediately afterwards, (D. c. 3.) under the names Knistenaux, Chinisteneaux, Christeneaux, Clisteno, they form an independent division, composed of four branches.

The Nanticokes, (C. e. 8.) a well known tribe of the Delaware stock, are assigned to the Iroquois, and constitute the eighth member of that family, which occupies a prominent station in division C. But, (in D. c. 1. ε.) four tribes of the Iroquois confederacy, with their orthography slightly changed, are once more introduced; and, strange to tell, as speaking Algonquin dialects.

We have not time to analyse the arrangement of the Sioux family. Those, who are at all acquainted with the subject, will perceive what little confidence is to be placed in this classification, when they learn, that the Mahas are a tribe of the 'Naudowessies of the Plain,' that the Shians and Shianes, (both being the Cheyennes,) constitute the fifth and sixth divisions, and that the Tetongs and Sussitongs, two of the great families of the Sioux, appear as subordinate branches of the Yankton band.

These are but a part of the errors, which our limited personal knowledge of the different tribes, has enabled us to detect in the Survey of Adelung. But they satisfactorily prove, that with our present materials, we should confine our exertions to the collecting of facts, and not bewilder ourselves in attempts to discover new dialects, or to class those already known.

In the present state of our knowledge, the Wyandot, and its cognate dialects, appear to form a class of primitive languages; the Algonquin or Chippewa, another; the southern languages, a third; the Sioux, a fourth; and the Pawnee, and kindred tribes of that family, a fifth. But we speak with much doubt, and are in fact not unwilling to hazard the conjecture, that future and more extensive inquiries may possibly prove, that all these languages are affiliated, and descended from a common stock. We are certainly destitute at present of any etymological proofs of this fact, but when vocabularies are formed upon a common plan, and their orthographical principles invariably established, and when the effect produced by habits of enunciation more or less guttural, by the frequent use of certain letters and the rejection of others, by the difference of accentuation in strength and in position, by the slowness or rapidity of utterance, and by other causes, shall be fully understood and appreciated, we shall not be surprised, if affinities are discovered in all our Indian languages, for which we have not yet been prepared.

In stature, color, form of the face, high cheek bones, hazel eye, dark hair, thinness of the beard, and in their prevailing personal appearance, there is a strong resemblance among all the Indians; varied, no doubt, by certain physiognomical characteristics among different tribes, more easily perceived than described. In manners, customs, habits, opinions, traditions, religious notions, systems of education, and in their own appellations for one another, they are essentially the same people. The forms of their languages are almost identical. The same principles of regimen and concord, the same arrangement of words in sentences, the same polysyllabic combinations, and in fact every essential rule, whether anomalous or general, whether it agrees with the transatlantic languages, or differs from them, are common to all these, as far as we have been able to examine them. The deductions

from these facts we relinquish to others, contenting ourselves with the conjecture already advanced.

The Wyandots, and the various tribes of the Six Nations, speak dialects having a general affinity; but they require interpreters in their intercourse with one another. The Chippewa, or Algonquin language, is spoken by the Chippewas, Ottawas, Potawatamies, Sacs and Foxes, Shawnese, Kickapoos, Menomonies, Miamies, and Delawares; and these dialects approximate one another in the order of arrangement, the Chippewa being the standard dialect, and the Delaware the most remote. For the three first, no interpreter is required; for the three next, one is convenient, but not necessary; and the three last are too imperfectly understood by any of the others, to enable them to converse without assistance.

There is no doubt that, at the era of the discovery, a knowledge of the Chippewa, or Algonquin tongue, for they are the same, would have enabled a traveller to communicate with all the Indians, except the Wyandots and their kindred tribes, from the Penobscot to the Chesapeake, and from the Ocean to Lake Superior.

The Trans-Mississippi languages are divided into two great families. At the head of one we may place the Sioux, and of the other the Pawnee. The Sioux language is to the nations west of the Mississippi, what the Chippewa is to those east of it. That river is the boundary between these great families; for the Winebagoes, who live upon the Fox, Ouisconsin, and Rock Rivers, are evidently intruders there. Their hereditary country was in the south west. Perhaps some branches of the Illinois family lived at a remote period upon the Des Moines. But the exceptions to the general statement are too few, to require a specific enumeration. Interpreters are convenient, and in some of these dialects are necessary, for any communication; but we believe unerring traces of the Sioux language will be found in all the dialects, except those of the Pawnee family, extending from the Mississippi to the Indians, who roam through the country at the heads of the Missouri and Arkansas, and occupy the passes of the Rocky Mountains.

If the Sioux be assumed as the parent language, then the affinities of the dialects of that family will be exhibited in the following tabular form.

Arkansas or Quapaws.
Osages.
Kanzas.
Mahas.
Poncas.

} These dialects are nearly similar, and the tribes, who use them, can understand one another without an interpreter.

Jowas.
Ottoes.
Missouries.
Winebagoes.

} These dialects approach the standard language more nearly, than those in the preceding paragraph. But interpreters are necessary, both between themselves, and between them and the Sioux, for a distinct understanding of any subject.

The root of the word which signifies *fire*, among all these tribes, is *p'haajee*.

No affinities are known to exist between the languages of this family, and those spoken by the Pawnees and Arickaras. The two latter are nearly the same, and constitute, in the present state of our knowledge, a class of primitive languages. Their word for fire is *lacteetoo*.

To shew the idioms of three of these great parent stocks, we subjoin translations of four sentences into the Chippewa, Wyandot, and Sioux languages, and retranslations into English. They are rendered as literally, as their respective idioms will permit. Full confidence may be placed in the Chippewa specimens. The others are the result of much labor, but under less favorable circumstances.

CHIPPEWA.

1. *I wish to go with you and catch his horse.*

Appadush	I wish
weejeewinaum	to go with you
tshee*	to
minjeminemung	take (v. a.)
opabaazhigogauzhemun	his beast with solid hoofs ; (*o*, here denotes the possessive case.)

2. *We conquered our country by our bravery, and we will defend it with our strength.*

Kesoangedaäwininaum†	Our bravery,
kau oonjee	by that
bukenaugayung	we conquered
ketukeminaun,	our country, (or land,)
Keegootaumagozewininaum	our storm-like strength
dush giea oonjee	by that also,
minjeeminuhmung	we shall keep it.

* The Chippewa particles *tshee* and *ka*, when used before verbs, give precision to them.

† The noun throughout this sentence precedes the verb.

3. *Give me some venison to put in his kettle.*

Meeshishin*	Give me
addik	deer ; (Addik is the name for *Reindeer*,)
weeos	flesh
ka	to
podaukwawug	put in
odaukeekoong.	his kettle ; (*o*, indicates possession.)

4. *Mr. Heckewelder's book contains many errors.*

Mukudawukooniat†	Black dress
omuzeniegun	his book, (or paper,)
gitshee na neebewoh	in many places has plenty
keewonemoomugud	errors, (or mistakes,) in it.

WYANDOT.

1.

Ndee	I
yaaghre	wish
sheeharyate	go
ateewaherkyee	with you
ahateezheendaöo	catch him
hoosenear‡	his slave
yoosheta.	beast that carries upon his back.

2.

Auwautendengendee	We conquered
aunyoomitsarmee	our land
n'dia	by that
newotsarndeetar ;	our bravery ;
aunyoomitsar	our land
nostart	keep it
n'dia	by that
nemauwishromee	our strength.

3.

N'dee	Me
tonoont	give
skinootoo	deer
wautsau	flesh
toosoontrok	put in
hoonaöar	his kettle. (*ar* indicates possession.)

* In this sentence, the Indian, unlike No. 2, is constructed as an English sentence, the verb preceding the noun.

† The Chippewas substitute descriptive terms for English proper names.

‡ The Wyandots always prefix this word to the names of domestic animals in a state of servitude.

4.

Honyoomauauk	White man
hoozhutooshrumar	his book
ooreewauroonyoo	many places
yarndeeyooherunt	mistakes.

Sioux.

1.

Toakeen	I wish
oa	with
nee	you
atshar	go out
kar	and
tau	his
shoongktunkar	horse
ongee	we
uzarpeekta	will take.

2.

Ongeetau	Our
markotesheepee	lands
wondeetargear	bravely
ongee	we
oeyumpeetsher	have conquered,
warshargear	strongly
ongee	we
hn' doneetsharpeekta	will maintain.

3.

Tarkhinjar	Deer
tshonetshar	flesh
mar	me
koo	give
tau	his
tshaaghar	kettle
ane	into
orärhnarnkaakta	I will put.

4.

Tar	The
wausheetshoo	white man
tau	his
woärpee	book
eetsheenshnee	errors, (or mistakes,)
otar	much.

We subjoin two more Chippewa specimens.

1. *Why do you not behave better and sit still?*

Auneeshween nuh?	Why not, (includes pronoun,)
neebwaukausewun	possess sense, (noun, verb, & pro.)

pisaun	still
tshee	to
nemudubeyun	sit. (v. a. includes the pronoun, and in present tense.)

The sense of the English is rendered into Indian with force and sufficient precision. But the analytical mode adopted gives the *retranslation* a stiff and faulty aspect.

2. *I do not think there is any such thing as virtue.*

Kauween neen } Not do I	(negative mode of assertion, very common.)
nindenaindum	think
kago	anything
iauseenoan*	exists like
minno	good
izheewaubizeewin	life. (Noun indicated by *win.*)

Our personal knowledge of the southern languages is confined to the Cherokee, and we shall not, therefore, hazard any conjectures respecting them. We are inclined to believe, however, that they have a general family resemblance; but whether any connexion exists between them, and the other great families, we are ignorant. We found in the Cherokee the same general principles of formation, which distinguish the others.

Whoever makes the experiment will discover, that much stronger analogies exist between dialects of our Indians, as they have been written, than as they are spoken. Languages, which appear almost identical upon paper, are yet in conversation understood with great difficulty. The causes of this difference have been already stated, but their operation must be felt before they can be fully appreciated.

It is easy to conceive, that roving bands of savages in the hunter state, may separate for very trivial causes, and that dialects may soon be formed, which will gradually recede from one another, until all etymological traces of their common origin can with difficulty be discerned. Languages, which are not fixed by letters, must be liable to perpetual fluctuations; and as the intercourse between different tribes is diminished by mutual hostilities, or by distance, their dialects will rapidly recede from one another. In this manner, many dialects, and possibly all, have been formed.

*This is one of those verbal Indian forms, which admit some latitude in the translation.

The Foxes have a traditionary legend upon this subject, which we are tempted to give, because it happily explains their opinion of the mode, in which these separations of natural and political connexion, and consequently of languages, have been brought about.

Many years since, say they, two bands of our people were living near each other. The Chief of one of these bands wanted some Indian tobacco,* and sent one of his young men to the Chief of the other band, to procure some. The latter, being a little offended with his relation, told the young man, he would send no tobacco, and that he had long tusks, intimating he was disposed to quarrel. The young man replied, that the tobacco was wanted for a feast. The Chief then took up a pair of *Apukwine*, (large bone needles, made of the ribs of the elk, and used in the manufacture of rush mats,) and throwing his pipe upon the ground, put these like tusks upon each side of his mouth, and said, 'My teeth are long and strong, and will bite.' The young man returned and communicated the result to his Chief, who assembled his warriors and said, 'My warriors, let us prepare to pull out these long tusks, lest they should grow sharp and bite us.' He then directed them to accompany him in an attack upon the other party, and they proceeded to form an ambuscade near their camp. As the day dawned, the Chief said, 'It is now light enough, we can see to pull out his teeth.' The attack commenced, and many were destroyed. This is the way, says the tradition, in which the great Indian family became divided. Till then they were one people.†

* Called by the Canadians *Tabac du diable*, or *Feningue*, and by the Chippewa, *Inine Samau*, or Man tobacco. It was formerly cultivated by the Indians, and used in all their feasts and religious ceremonies.

† Much additional knowledge of the Indian languages may be expected to be gradually gained. Mr Duponceau and Mr Pickering, philologists of whom the country may be justly proud, have devoted much of their time to the subject, and are still pursuing it with ardor, to the extent of their opportunities. Mr Pickering has constructed with immense pains, a Grammar of the Cherokee, which is now in press. All attempts of this sort are of great importance in fixing grammatical forms, and establishing first principles.

In the fourth volume of the Memoirs of the American Academy of Arts and Sciences, is an essay by Mr Pickering, proposing a uniform alphabet for the Indian languages, an object of much importance in establishing such an orthography, as to ensure useful results from a comparison of different vocabularies. In the 9th vol. 2d Series of the Massachusetts Historical Collection, is published Eliot's Indian Grammar, accompanied with valuable notes and observations, by the above gentlemen. It is there stated, that this 'Grammar was presented

Mr John Dunn Hunter's book, has attracted some attention in this country and England. In the sixtyfirst number of the London Quarterly Review, is an article complimentary to the veracity and fidelity of Hunter. We were at first unable to conjecture why a work, purporting to be written by an American, was so kindly received. But it was not long before we discovered the strong claims, which it had to the favor of the Reviewers. Hunter elevates the Indian character far above its true standard, and he depresses that of the frontier settlers as far below it. He whines about the purchase of land, and the introduction of whiskey, as though these were not among the least of the evils, to which the calamities of the Indians are attributable. But these assertions may possibly account for the complacent humor of the Reviewers towards Hunter, in regard to the manner in which he has performed his task. 'We shall only remark farther,' say they, 'of Hunter's book, that in general his description of Indian manners and customs are minutely accurate.' 'There is nothing suspicious in Hunter's narrative. The style is that of a man unaccustomed to write, simple and precise, but not altogether free from vulgarisms and barbarisms.'

This whole article is an admirable specimen of the critical sagacity of the Quarterly. The writers upon all subjects speak *ex cathedra*, but in this article they display more than usual dogmatism. Some of their facts have probably been furnished by a subaltern officer, who may have travelled from Detroit to the Miami, in the campaign of 1813, on the northwestern frontier; and these have been eked out by crude speculations and bitter invective. In examining the causes, which have heretofore impeded the acquisition of correct knowledge, on topics connected with the Indians, the Reviewers say, 'Until of late years, we could scarcely expect to possess any other instrument of communication with the Indian tribes than these, for educated Englishmen could be very rarely thrown into contact with them.' This is true Quarterly modesty. And so where an educated Englishman does not go, nothing can

to the public, as part of a series of tracts respecting the Indian languages, which it is the intention of the Historical Society to publish, from time to time, as circumstances shall permit.' Accordingly, in the next volume, (X) Dr Edwards's Observations on the Language of the Muhhekaneew Indians is published, together with a body of learned and copious notes by Mr Pickering. It is presumed the subject will be continued in other volumes of this work.

be known! We presume this article is the result of the observations of one of these 'educated Englishmen,' and the world will probably before long be favored with important discoveries, which it must be content to owe to the same prolific source. Feeling a deep interest in the reputation of the Quarterly, we cannot avoid suggesting to its contributors the expediency of confining themselves to their poor laws and savings' banks, and to other topics more immediately within the sphere of their own observation; and of being cautious how they discuss subjects separated from them by an extensive ocean, and interminable forests, even with the aid of an 'educated Englishman' to furnish facts which never existed.

Hunter has inserted what he calls a speech, delivered by Tecumthé to the Osages. And it is but a poor comment on the *tact* and judgment of the reading community, that this speech, and the reflections in which Hunter says he indulged on his arrival at the Pacific Ocean, have been already quoted into three respectable works, as valuable specimens of aboriginal taste and feeling.* The speech is lauded in the Quarterly, and the circumstances stated by Hunter, respecting its delivery, furnish, in the opinion of the Reviewers, a proof of his veracity. It is thought impossible for Hunter to have known, that Tecumthé made a visit to the Southwest in 1812, unless he had acquired a knowledge of this fact from the Indians. 'Now we happen to know,' say the Reviewers, 'that Tecumthé did certainly, after the capture of Detroit by our forces, in 1812, quit our head quarters there; that, proceeding down the Mississippi, he traversed an immense extent of Indian country, and employed himself with various success in animating his brethren by his eloquence to unite against the Americans, and that he did not return to the Michigan Territory, until the following January.' *Now* WE *happen to know*, that Tecumthé did not leave Detroit for the Mississippi country in 1812. *We happen to know*, that on the 27th of September 1811, he arrived at Vincennes, and sought an interview with General Harrison. At the discussions, which took place during this interview, he displayed the most hostile spirit, and the result being unsatisfactory to him, he descended the Wabash with a small party in a canoe. He was himself a half Creek, his father being of that tribe,

* See the account of this speech in Hunter's Narrative, pp. 51—56.

and between them and the Shawnese a friendly intercourse had long subsisted. His object was to excite the Creeks to hostilities against the United States, and eventually to form a general Indian confederacy, under the protection of the British.

That Tecumthé himself, and the disaffected band of the Shawnese, who adhered to him, had been tampered with by the British agents, no man can doubt, who was so situated as to observe the course of events upon the frontier, or who has examined the mass of evidence, submitted by the President to Congress in his message of June 11, 1812, respecting the origin and progress of our difficulties with the Indians. Tecumthé returned from his tour in December, and remained with his party during the winter of 1811, 12. In the spring of 1812, as the note of preparation became louder and louder, he was invited to Malden. He left Fort Wayne for that place on the second of July, and arrived there about the eighth or ninth.* He was in most of the engagements upon that frontier, during the two succeeding campaigns, and never was again further west than the Tippecanoe.

The Reviewers, with their characteristic accuracy, state, that the Indians, 'lulled into security by confidence in the supernatural powers of their prophet, and neglecting that caution, which is generally so marked a trait in the Indian character, were surprised by an American corps in the dead of the night on the banks of the Wabash, and almost annihilated. Tecumthé, with a small number of warriors, escaped the massacre; but it is probable, that the survivors were too few to preserve the separate existence of a tribe; for while he swayed the whole Indian body, Tecumthé could scarcely number a score of immediate followers of his own people.'

In this paragraph are almost as many misrepresentations as lines. *We happen to know*, and the whole American people know, that the troops under General Harrison did not attack the Indians. The army encamped in the vicinity of the Prophet's Town, under the expectation, and with assurances from the Indians, that the difficulties would be adjusted at a

* For some days preceding his departure from Fort Wayne, he had been in conference with the agent there, on the state of affairs between the United States and Great Britain, and on the evening of the first of July he promised, that he would return to the Wabash, quietly resume his ordinary occupations, and avoid any participation in the approaching conflict.

council to be held the succeeding day. But the General had been trained in the school of experience. He was able and cautious, and his troops were brave. And to these qualities they owed their final safety. Before the dawn of day, the Indians commenced a fierce assault upon the camp, and after much slaughter were driven from the field. A nocturnal surprise of an encampment of Indians by a corps of civilised troops, every step of whose progress has been vigilantly watched, is a manœuvre to be found only in the tactics of the Quarterly; and is probably among the discoveries, for which we are indebted to the 'educated Englishman.' Tecumthé was not present at the engagement. He was then on his southern mission. It is certain he did not anticipate a battle, during his absence, and it is probable he still calculated on the system of forbearance, which had marked the conduct of the American government towards the Indians. His brother, the Prophet, had the principal direction of affairs; an influence, which he owed to his talents and his religious character, rather than to his military qualifications. Mengoatowa, a Kickapoo chief, who was killed, and Waweapakoosa, a Winebago chief, commanded in the action, as far as any command was exercised. But where there is no combination of movement, and each individual is left to act for himself, very little authority is necessary, and very little is exerted.

The Reviewers say, that many Shawnese were killed in the action, and to this they attribute the weakness of the band, which accompanied Tecumthé, when he joined the British. Admirable historians! But one Shawnese was killed in the action.* The loss fell on the Kickapoos, Winebagoes, and Potawatamies. *We happen to know* why Tecumthé's party was so weak, and we will communicate the cause, for the benefit of the author of the next tirade upon this subject in the Quarterly. Tecumthé was a disaffected man, and had seceded from the '*legitimate*' authority of his tribe. All the chiefs, and almost all the warriors, were opposed to his plans. They saw, that these were fraught with ruin to their people, and believed them to have originated in a system of self aggrandisement. Tecumthé was a *novus homo*, not entitled

* Paaksgee was killed; and three other Shawnese, namely, Kathooskaka, Mamatseka, and Maipokseka were wounded.

to any hereditary authority ; and he regarded with jealousy the influence of the lawful chiefs. The great body of the tribe adhered with unshaken fidelity to the cause of the United States, during the whole contest, and time has proved the wisdom of their measures. They are now living comfortably, upon a large reservation secured to them in a fertile part of Ohio ; while Tecumthé fell in a cause, in which he had no interest, and his son and brother are outcasts from their people, receiving no aid from the British government, and anxious to rejoin their connexions.* Like all other Indians, who have placed their faith in the same trust, when their services ceased to be useful, they ceased to be regarded or rewarded.

We are the less apprehensive of leading our readers, or being ourselves led into error on this topic, or on any other connected with the history or objects of Tecumthé, as the Prophet his brother, and his son are sitting with us, while we are writing these remarks, and as they have freely disclosed to us their past history and present situation. We have been not a little amused, at the shrewd observations of the Prophet, respecting the ignorance of the Reviewers in the article, which we have caused to be explained to him.

Tecumthé has obtained a celebrity, such as has fallen to the lot of few of his countrymen. For this he was indebted, not less to adventitious circumstances, than to his own physical and mental endowments. He was a man of more enlarged views, than are often found among the Indian chiefs ; a brave warrior, and a skilful leader ; politic in his measures, and firm in his purposes. But he was jealous and ambitious, and prepared to sacrifice the happiness of his people to his own impracticable projects. His connexion with the British contributed, however, more than any other circumstance, to the celebrity he enjoyed. He was an instrument in their hands ; and it was their interest to give him an importance, true or false, by which they could wield the savage force, which they had collected. With this view he was invited, as the Quarterly states, to the British General's table, and with this view he was made the distributor of the presents, lavished upon the Indians. One of the British

* Since the above was written, they have left Canada, and removed to the Shawnese reservation in Ohio, radically cured, if we may credit their own declarations, of their Anglo Mania.

armed vessels was named the Tecumthé, and another the Nawash. This Nawash was an Ottawa, elevated to importance by the same system, and with the same object. He has long since ceased to be useful, and now lives in utter insignificance among his tribe, upon the Miami in the Michigan Territory.*

The Prophet, the brother of Tecumthé, was an able coadjutor. His character has not been well understood. He is shrewd, and sagacious, and well qualified to acquire an influence over those about him. We are inclined to think, that at the commencement of his career he was a fanatic, who had 'seen visions and dreamed dreams,' and who believed the doctrines he professed and inculcated. This practical conquest of the imagination over the reason is not very rare, even in civilised life; and there is a singular feature in the system of Indian education, by which its occurrence is encouraged and promoted.† Subsequent events in life are materially affected by this process, and vivid impres-

* *In the division of labor* among the Indians, the composition and delivery of speeches, are not often entrusted to the same person. In all important questions, the Chiefs previously assemble and prepare the speech, which is to be delivered. And here the influence of talent and authority is exerted and felt. But the public delivery of the speech is a mere act of memory on the part of the orator. The addresses, for which Tecumthé has had credit, were prepared principally by Walk-in-the-water, the Grey-eyed-man, and Isidore, three Wyandot Chiefs; and the celebrated remonstrance to Proctor, against his evacuation of the country upon the Detroit River, and in which he was told, that he appeared like a dog running off with his tail between his legs, was thus prepared in the house of Mrs Walker, a respectable half Wyandot woman, upon whose authority we state the fact. Tecumthé was not an able composer of speeches. We understand he was particularly deficient in those powers of the imagination, to which we have been indebted for the boldest flights of Indian eloquence. He was sometimes confused, and generally tedious and circumlocutory.

We have in our possession ample materials for a biographical sketch of this celebrated chief. Hereafter we may embody them in an article for our Journal.

† This remarkable institution should receive a minute examination. It is admirably contrived to render the Indians reckless of consequences, and its influence is not less powerful, than the sternest principle of fatalism. The tutelary genii guard the lives of their favorites, and the Eagle receives upon his beak the balls of their enemies.

The process commences before the age of puberty, and continues for a shorter or longer term, as the revelations are more or less propitious. The appearance of some animals foreshow a happy destiny, while others, and particularly snakes, portend misfortune. When the dreams are fortunate, the discipline is terminated; but when otherwise, it is interrupted, and after some time renewed, with the hope of a more favorable result. If, however, in this hope, they continue to be disappointed, their situation is remediless, and they must submit with fortitude to the calamities which await them.

sions are formed, which are never eradicated. This result is produced by a system of watching and fasting, rigorous, painful, and long continued. During this period, which is called the time of 'fasting,' in Chippewa, *Makatea*, many rites are practised to render the lessons impressive, and to excite the feelings to a proper degree of susceptibility. The guardian *Manitou* finally appears in a dream, assuming the shape of some animal, and is ever after during life the object of adoration. The real or imaginary qualities of this animal indicate the character, and the proper business in life of the dreamer. If it is an eagle, he must be a warrior; if a wolf, a hunter; and if a turkey buzzard, a prophet or physician.

It is probable, that the opinions of the Shawnese Prophet, in mature age, were materially affected by this hallucination, and that when he began his career, he was as much the dupe of his own feelings, as were any of his hearers. His conduct was certainly incompatible with any rational policy, that he can be supposed to have adopted; and of the immense numbers, who from time to time assembled at Greenville, and elsewhere, to hear his rhapsodies, many perished from hunger, and none attempted to aid him in any project, hostile to the United States, till long after his influence was on the wane. The Shawnese, whatever may have been their origin, were intruders upon the Northwestern Indians. They owned no portion of the country, and, consequently, were entitled to no part of the consideration paid for the cession of it. A principle of international law, which should prevent the sale of land by one tribe, without the consent of all, could not but be advantageous to those, who had no other title than sufferance to the district they occupied. This was a cardinal principle in the policy of Tecumthé, and the opportunity, furnished by the fanaticism of his brother, opened the way for more enlarged views, and eventually afforded the means, as he thought, of accomplishing them.

These prophets, as they are improperly termed, frequently make their appearance among the Indians, and acquire a wonderful ascendancy over them. They are preachers, prophets, and physicians, and they pretend to a direct communication, with all the superior and inferior deities in the Indian mythology.

But to return once more to the book in question. Mr John Dunn Hunter is one of the boldest imposters, that has appeared in the literary world, since the days of Psalmanazar. His book, however, is without the ingenuity and learning, which, like redeeming qualities, rendered the History of Formosa an object of rational curiosity. It is a worthless fabrication, and, in this respect, beneath the dignity of criticism; compiled, no doubt, by some professional book maker, partly from preceding accounts, and partly from the inventions of Hunter. Our only motive for introducing the work into this article is, that, by exposing so gross an imposition, the public may be put upon its guard for the future, and not give credit to tales supported neither by intrinsic nor extrinsic evidence. The letters, which we shall presently introduce, place beyond doubt the imposture of Hunter. And here we might safely dismiss the subject; but a cursory examination of a few of his more prominent statements, may elucidate some important traits of Indian manners, and will at all events detect the utter ignorance of the writer of the article in the Quarterly.

Hunter says he left the Osages in 1816, when he was nineteen or twenty years of age, and, as he recollects the incidents of his capture, he was then probably four or five. He was, therefore, taken about 1800, or 1801, and as the outrage was committed by a party of Kickapoos, the residence of his father must have been in Indiana or Illinois. His description of the scene shows, that it was an act of the most determined hostility. There were the war whoop and the yells, 'the massacre of parents and connexions, the pillage of their property, and the incendious destruction of their dwellings.' This was in a period of profound peace. Such an aggression in 1800, or 1801, would have electrified the whole country west of the mountains. We have our own distinct recollections, and what is still better, we have the authority of General Harrison to justify us in saying, that no such incident occurred. The Kickapoos were quiet from the signature of Wayne's treaty, till the commencement of the difficulties with Tecumthé and the Prophet.

Hunter proceeds to state, that the party of Kickapoos, who took him, were themselves attacked and destroyed by the Pawnees, into whose possession he then fell. In 1800, and

for some time after, not a Kickapoo lived west of the Mississippi. They occupied the plains about the Illinois, and between that river and the Wabash. They are separated from the Pawnees by extensive districts, and by the Osages, Kansas, and Missouries. The Pawnees and Kickapoos have never been brought into contact with each other, nor have they ever been engaged in mutual hostilities.

After residing some time with the Pawnees, by a similar freak of fortune, he was thrown into the possession of the Kansas. We have then an affecting description of the 'venerable Chief Tohut-che-nau.' Where this *respectable man* lived, except in these pages, we have not been able to ascertain. There never has been a Chief of that name known among the Kansas, nor is the word itself, nor any thing like it, to be found in the Kansas language.

A transfer to the Osages terminated this pilgrimage from tribe to tribe. And with them be continued, until his final restoration to civilised life. It was during this period, that Tecumthé is said to have made his visit to the Osages, and delivered his celebrated speech.

The Osage tribe occupy the immense plains, extending from the Missouri and the Arkansas to the Rocky Mountains. They are the Ishmaelites of the Trans-Mississippi country. Their hand is against every man, and every man's hand is against them. The nations of the Algonquin family, the Shawnese, Delawares, Miamies, Kickapoos, and also the southern Indians, have been at war with them for ages. So late as 1818, we witnessed the arrival of a party of Shawnese, among their own people, from a hostile expedition against the Osages. The scalps, which they bore, evinced their success, and the shouts of the multitude left no doubt of the deep interest they felt, in the destruction of their enemies. No Shawnese had, in 1812, ever visited the Osages as a friend, nor was Tecumthé ever within many hundred miles of a party of that nation.

But the most wonderful event in the life of Hunter, is his journey to the Pacific. And wonderful indeed is it, that a party of thirtysix Kansas and Osages should have reached the brink of that distant ocean. No Osages or Kansas ever traversed the Rocky Mountains. Their inveterate enemies, the Alyetans, guard those passes, and even beyond, they must

encounter many hostile tribes, before they can reach the ocean. And this desperate expedition was undertaken with no other object, that we can discover, than to indulge in sentimental reflections and descriptions, which are said by the Quarterly to have 'great simplicity and beauty'!

Hunter's impudence is exceeded only by his ignorance. He says, 'The unbounded view of waters, the incessant and tremendous dashing of the waves along the shore, accompanied with a noise resembling the roar of loud and distant thunder, filled our minds with the most sublime and awful sensations, and fixed on them as immutable truths the tradition we had received from our old men, that the great waters divide the residence of the Great Spirit, from the temporary abodes of his red children. We here contemplated in silent dread the immense difficulties, over which we should be obliged to triumph after death, before we could arrive at those delightful hunting grounds, which are unalterably destined for such only as do good, and love the Great Spirit. We looked in vain for the stranded and shattered canoes of those, who had done wickedly. We could see none, and were led to hope they were few in number.'* All this is a clumsy fabrication. The Osages occupy a country of boundless plains. They know nothing of the ocean, nor do they believe, that the land of departed spirits is beyond it. The Heaven of the Indians is as sensual as the Mahometan paradise, and every tribe places it in situations, and fills it with objects, most familiar and agreeable,

> 'And thinks, admitted to that equal sky,
> His faithful dog shall bear him company.'

The Osages know nothing of canoes, and we have the best authority for saying, that there is not one in the nation. And yet their departed friends are sent over an ocean of which they never heard, in vessels such as they never saw!

Their opinion of the condition of the soul after death, is derived from their habits and modes of life. Their land of spirits is an extensive *prairie*, peopled with their friends, filled with game, and abounding in all that an Indian can desire. When they are buried, their clothes and other necessary articles are buried with them, that they may not suffer in the country for which they have departed. Every warrior

* Hunter's Narrative, p. 77.

has a horse, which is never used but in war. This horse, with his saddle and accoutrements upon him, is brought to his master's grave after death, and is placed directly over it. He is then shot in the forehead, and there left, ready to be mounted by his master, on their arrival in the land of departed spirits.

We intended to expose Hunter's statements, respecting the courtship of the Indians, his trash about their materia medica, and many other topics, which he has introduced into his book. But we have exhausted our own patience, and probably that of our readers. It is evident, that the compiler of Hunter's work had examined the preceding accounts of the Indians, which have been published. But he was not able to discriminate between the different customs of differing tribes, and has therefore described the Osages and the neighboring nations, as possessing customs of which they have no knowledge. Among others, he speaks of throwing the tomahawk, a well known amusement with the northern Indians, but never practised in the southwest. The pipe tomahawk, which alone they use, is wholly unfit for this purpose. He describes the rifle as the common weapon of men and boys. But that instrument is very seldom used by the Indians of the plains, and, in fact, it has not been known among them till within a few years. Probably not one in ten is armed with it. The bow and arrow are their most efficient weapons against the Buffalo, and the northwest fusils, as they are called, are the most common firearms. He also describes the boys, as working with the women. A most disgraceful employment, utterly unknown among any of the Indians. And he speaks of wild rice, as an article of food, which in fact is found in no part of the country, where he pretends to have lived. These more minute circumstances he could not mistake, if he described facts only as they existed. And if not, it is in such descriptions, that his falsehoods become most apparent. But one of his grossest errors relates to the Ottawas. He speaks, in many places of his work, of the Ottawas, as a tribe of southwestern Indians.* He had heard, or his compiler had read, of such a tribe, and they placed it in a most unfortunate situation. There is not an Ottawa west of the Mississippi, nor south of the heads of the Illinois river.

* See pages 41, 95, 198, 200.

We shall close this part of our subject, by submitting the following testimony in confirmation of our statement, respecting the imposture of Hunter. The originals of the letters here published we have in our hands, with their proper signatures. They are written by gentlemen of the highest respectability, whose declarations may be received with perfect confidence. Of General Clark, the companion of Lewis in their adventurous journey to the Pacific Ocean, formerly Governor of Missouri, and now Superintendent of Indian Affairs at St Louis, it is unnecessary to speak. His character is too well known to require any encomium from us. He writes as follows.

St Louis, Sept. 3, 1825.

Sir,

In answer to your inquiries respecting the man, who calls himself Hunter, I have no hesitation in stating, that he is an impostor. Many of the most important circumstances mentioned by him are, to my certain knowledge, barefaced falsehoods. I have been acquainted in this country since 1803, and have resided in it since 1807, and for eighteen years have been connected with the Indian Department. It is not possible he could have lived with the tribes he mentions, and gone through with the scenes he describes, without some knowledge of him, and of his history, having reached me. William Clark.

The next letter is from Mr Vasquez, subagent for the Kansas. He is an intelligent man, a Spaniard by descent, and well acquainted with the Indians in that country. He accompanied Pike in his journey to the Internal Provinces.

St Louis, Sept. 3, 1825.

Sir,

I have received your note of yesterday. In answer to the inquiries contained therein, I can say, that I have been engaged in trade with the Kansas tribe of Indians nineteen years, between the years 1796 and 1824, and that, during the whole of that time, there was no white man a prisoner, of any age or description among them; nor do I believe that such a circumstance has occurred for the last thirty years. Baronet Vasquez.

The writer of the next letter, Major Choteau, has perhaps more knowledge of the Osages, than any other man living. It was owing to his exertions, and those of his brother, that a considerable portion of the tribe separated from the others,

and left the Missouri for the Arkansas. They are both natives of Louisiana, enjoying in the decline of life, with unblemished characters, the fruits of their exertions among the Osages for half a century.

St Louis, Sept. 3, 1825.

SIR,

In answer to your favor, I have the honor to state, that my acquaintance with the Osages has been since 1775 to this day, in the capacity of trader, agent, or otherwise, and that during that period, there never was any white boy living or brought up by them. I can further add, that had this circumstance happened, it could not but have come to my knowledge. P. CHOTEAU.

One more letter, written by Mr Dunn, a member of the Missouri Legislature, shall close this part of our testimony. This was the gentleman, it will be recollected, whom Hunter states to have been his great patron and friend, and for whom he was named, after his return, as a mark of grateful affection. We will only add, that our personal inquiries of the most respectable inhabitants at Cape Giradeau, where Hunter says he was so long at school, satisfied us, that no such person, as he describes himself to have been, was, under any name, ever known there.

Cape Giradeau, Sept. 4, 1825.

SIR,

I have the honor to state, in answer to your inquiries on the subject, that I have never known such a person as John Dunn Hunter, the reputed author of Memoirs of a captivity among the Osage Indians, between the years 1804 and 1820. I have been a resident in the vicinity of this place for the last twenty years, during which time I have never heard of a person, bearing the same name with myself, in this country. I am, therefore, confident, that the author alluded to is an impostor, and that the work issued under his name is a fiction, most probably the labor of an individual, who has never seen the various tribes of Indians of whom he speaks.

I can further state, that I have known no man of the name of Wyatt in this county, who seems to have been mentioned as one of the friends of Hunter. JOHN DUNN.

The facts exhibited in these letters need no comment. With every advantage for knowing the reality, it is not possible for the authors of them to mistake in so plain a matter. It should be kept in mind, that it was among the Osage and Kansas Indians, that Hunter represents the years of his captivity

chiefly to have been passed. The following is his account of the name he assumed. 'While with the Indians, they had given me the name of Hunter, because of my expertness and success in the chase; I therefore determined on retaining that as my patronymic. And as Mr John Dunn, a gentleman of high respectability, of Cape Giradeau county, state of Missouri, had treated me in every respect more like a brother or son, than any other individual had, since my association with the white people, I adopted his for that of my distinctive, and have since been known by the name of John Dunn Hunter.'* In the same connexion he mentions having passed several weeks at school, in the neighborhood of Cape Giradeau.

We have thought it our duty to make this exposition to the public, because Hunter's book has gained considerable popularity, and because it is highly important that, if we cannot advance, we should not at least go backward, in our knowledge of the history and character of the Indians. The world has been amused with fable and fiction enough on this subject, and it is time now to look for facts, or be contented with the small stock that exists. Besides, we have, like other persons we presume, an inherent aversion to being imposed on, and feel it to be a demand of justice, that any person, guilty of so gross a fabrication, and so impudent a breach of good faith to the public, should be held up to open reprobation.

It was our first purpose to add in this place other remarks, respecting certain topics discussed in the review of Hunter's book in the Quarterly. It would not be easy to find an article of the same length, containing more blunders, if not misrepresentations, or tinged with a more thoroughly false coloring from beginning to end, and particularly in relation to the events on the frontiers during the late war. This subject may possibly be resumed on a future occasion, and a general view be presented of the comparative conduct of the British and American governments towards the Indians, and the policy and objects of each, both in peace and war. These particulars are very imperfectly understood, even in this country, and when fully developed, we hesitate not to say, that they will reflect the highest credit on the American government, at the same time they expose not more the unjustifiable mea-

* Hunter's Narrative, Life of the Author, p. 134.

sures of the British cabinet, than the ignorance, or perverseness, of British writers.*

Mr Halkett's work is a compilation from the standard writers, and contains an impartial and temperate account of the former condition of the Indians, and a review of the efforts, which have been made for their improvement. The author feels like a man of humanity, and writes like a man of sense. He has, however, as most writers upon these topics have done before him, overrated the amount of the aboriginal population, at the era of the discovery.

The statements upon this subject were certainly made in a spirit of exaggeration, by the early adventurers to America. Cautious statistical observations were not characteristics of the age; nor was the condition of the people, then recently made known to the old world, favorable for any probable estimate of their numbers. They were roaming through interminable forests, seeking a precarious subsistence; sending out their war parties to destroy their enemies, or providing for their own safety; showing themselves here today, and far distant tomorrow.† There is no reason to believe, that

* The Quarterly Reviewers seem to have as strong a propensity for discovering American prodigies, as for misrepresenting American character, attainments, history, and institutions. They have, as we have seen, recently discovered Hunter, and made an elaborate eulogy upon him and his story. Some ten years ago, a vagrant sailor, who had been shipwrecked on the west coast of Africa, was picked up in the streets of London. This man said he was an American, called his name Robert Adams, and pretended to have penetrated far into the interior of Africa, and to have resided for some time at Timbuctoo. All this was credited by the knowing ones in London, and the illiterate sailor was made to dictate a book, which appeared in a majestic quarto, and came out under the patronage of noblemen, literati, and divers dignitaries of the nation. The Quarterly took it up, as a matter of course, with all due gravity, and bestowed much learning, and many sage comments, on this marvellous narrative; and by quoting Arabic, and various other tongues, settled, in the most summary manner, many difficult points of geography in the centre of Africa, and particularly the situation, character of the people, government, trade, and internal polity of the mysterious city of Timbuctoo. From that day to this, Robert Adams, the American sailor, has not been heard of. The Quarterly has now and then feebly reiterated some of its former statements, but no incident has occurred, which could in the remotest degree corroborate the story of Adams.

The imposture was fully detected in this Journal at the time, (North American Review, Vol. V. p. 11, No. xiii, for May; and p. 204, No. xiv, for July, 1817,) from testimony which amounted to a demonstration, and which no attempt has since been made to invalidate.

† No work abounds in more exaggerated statements of the Indian population, than de la Viga's narrative of the expedition of Ferdinand de Soto; and we consider it, as a historical document, entitled to about as much credit as the

any essential change has occurred in their mode of life. Hunting was the only occupation of the men, and it was followed at all seasons, casually, as opportunity or necessity dictated; but principally in the winter, when the animals were in the best condition, and when alone their skins were valuable. They then retired to their hunting grounds; not in bands, for the game would soon have disappeared before them. But almost every family selected a residence for itself, remote from others, where the game was abundant, and where they were employed in procuring and preserving meat and skins for immediate and future use. When this season passed away, they returned to their villages, where a little corn was raised with savage indolence, and consumed with savage improvidence. These annual migrations were frequently restrained, and sometimes prevented by the offensive and defensive operations, rendered necessary by their mutual and eternal hostilities; and a scarcity of provisions was the consequence, which led, as elsewhere, to famine and death. Many well authenticated accounts have reached us, of the most frightful sufferings under these circumstances.

It is obvious that such habits could exist only in a boundless forest, and among a sparse population; for where each family requires a deer, or an elk, or a buffalo, for its daily consumption, the herd, which is to supply such a demand, must occupy an extensive district of country.

Their powers of repletion and of abstinence were equally remarkable; and Mc Kenzie and other travellers relate facts

account of the Argonautic expedition; and it is not less difficult to reconcile its topographical details, than it is those of the Colchian adventurers with the general features of the country. One hundred and forty years after his expedition, the territory upon the Mississippi became well known to the French, and no traces then remained of his cities within sight of one another, of his crowded population and cultivated fields. Everything was then, as it had been found elsewhere in the new world, and as it remained, till changed by civilised man. So it doubtless had existed for ages. It is surprising, that any credit has ever been given to this work. Mr Nuttall has calculated the marches of de Soto's army, as they are recorded; and an estimate of the courses and distances will carry us north of Lake Superior. It is stated with perfect gravity in the history, that two Indian Chiefs quarrelled for the honor of sitting at table at the right hand of de Soto!

The Natchez have always been represented as a numerous and powerful tribe, and it has been often asserted in proof of this, that they had five hundred *Suns*, or Chiefs, subordinate to the great Sun. The origin of this story will be found in Du Pratz, who states, that it was related to him by one of these Chiefs, as a tradition, which had descended to them from their ancestors. And this is history!

upon this subject, which, however they may be at variance with our own experience and observation, we have no right to doubt. Captain Franklin states the daily allowance to each Indian and half breed, in the service of the Hudson's Bay Company, to be three white fish, averaging four pounds each, or two wild geese, or eight pounds of solid Moose meat.

As long as the destruction of the game was restricted to an adequate supply of the wants of the Indians themselves, it is probable there was little diminution in the number of animals, and that here, as in other cases, population and subsistence had preserved an equal ratio to each other. But when the white man arrived with his cloths, guns, and other tempting articles, and the introduction of new wants drove the Indians to greater exertions to supply them, animals were killed for their furs and skins. An important article of exchange was made known to the Indians, which they were stimulated to procure, and an alarming declension became visible in the animals, essential to their support. Their population, scanty as it was, soon began to press upon their means of subsistence, and the operation of these causes was accelerated by the introduction of firearms, and the consequent facility afforded for destroying the game. The occupation of the hunter ere long became laborious, and his labor was rewarded with diminished success. He found the means of supplying his family decreased, as their attachment to the articles brought among them, and their wants, increased. Game became less abundant, and receded from the circle of destruction, which advanced with the advancing settlements.

We are satisfied that this cause has had a strong influence in reducing the Indian population. Its operation has been aided by other circumstances; by the small pox, whose ravages have been sometimes frightful; and by ardent spirits, which have prostrated the mental and physical energies, and debased the character of the Indians, in the immediate vicinity of the white settlements; but whose general effect, we are strongly inclined to believe, has been greatly overrated.

Among the remote tribes, spirits are scarcely ever seen, and they do not constitute an article of general use, even among those, who are much nearer to us. The regulations of the government are such, and they are so rigidly enforced, that the general introduction of spirits into the Indian country

is too hazardous for profitable speculation. Nor could it bear the expense of very distant transportation; for if sold and consumed, a corresponding reduction must be made in clothing, guns, powder, and lead, articles essential to the successful prosecution of their hunting expeditions, and without which the trader would soon find his credits unpaid, and his adventure equally ruinous to the Indians and himself.

But their own ceaseless hostilities, as indefinite in their objects, as in their duration, have, more than any other cause, led to the melancholy depopulation, traces of which are everywhere visible through the unsettled country; less, perhaps, by the direct slaughter, which these hostilities have occasioned, than by the change of habits incident to their prosecution, and by the scarcity of the means of subsistence, which have attended the interruption of the ordinary employments of the Indians. There is reason to believe, that firearms, by equalising the physical power of the combatants, have among these people, as in Europe, lessened the horrors of war.

It will be observed, that in this brief analysis of the causes, which have accompanied and accelerated the progress of Indian depopulation, we have not taken into view the situation of the small tribes in New England and Virginia, at the first settlement of these countries, and subsequently to that period. The stranger and the native were there soon brought into hostilities, and it is difficult to separate the effect of these, from the operation of other causes.

We shall refer to a few facts, in support of the speculations in which we have indulged; and as the scenes of their occurrence are separated from us by a wide interval of time or space, the white man cannot be accused of causing the depopulation, of which they are striking evidences.

Father Sagard, in 1632, estimated the Wyandots at fifty thousand, and after making all proper allowances for the good father's credulity, and for the difficulty attending even a probable enumeration, still their numbers must have been very great. In 1645, they were reduced, by war and famine, to a miserable remnant, who fled before the Iroquois, their enemies, and sought refuge with the Sioux in the country west of Lake Superior.

In 1805, when Lewis and Clark ascended the Missouri, they found an intelligent man, named Jesso, living with the

Mandans. This man informed them, that when he arrived there, twenty years before, there were five inhabited villages, and four, which had been then recently abandoned. The remains of all these were distinctly visible, and were traced by the exploring party. At that time, the number was reduced to three, and now there is but one remaining. In 1763, the Arickarees, when first visited by Colonel Choteau, had thirteen villages. In 1804, they had three, and they have now but two; and one of these has been formed by a union of several dispersed bands. A woman of the Snake tribe accompanied the same party, as an interpreter. She had been taken prisoner many years before, and when they arrived at her native tribe, and of which her brother was the Chief, she found, that during the period of her captivity, they had lost more than half their people.

The Indians, in that extensive region, are to this day far beyond the operation of any causes, primary or secondary, which can be traced to civilised man, and which have had a tendency to accelerate their progressive depopulation. And yet their numbers have decreased with appalling rapidity. They are in a state of perpetual hostility, and it is believed there is not a tribe between the Mississippi and the Pacific, which has not some enemy to flee from or to pursue. The war flag is never struck upon their thousand hills, nor the war song unsung through their boundless plains.

We have only stated a few prominent facts; but, were it necessary, many others might be adduced to prove, that the decrease in the number of the Indians, whatever it may be, has been owing more to themselves, than to the whites. To humanity it is indeed consolatory to ascertain, that the early estimates of aboriginal population were made in a spirit of exaggeration; and that, although it has greatly declined, still its declension may be traced to causes, which were operating before the arrival of the Europeans, or which may be truly assigned, without any imputation upon the motives of the first adventurers or their descendants.

But after all, neither the government nor people of the United States have any wish to conceal from themselves, nor from the world, that there is upon their frontiers a wretched, forlorn people, looking to them for support and protection, and possessing strong claims upon their justice and humanity.

These people received our forefathers in a spirit of friendship, aided them to endure privations and sufferings, and taught them how to provide for many of the wants, with which they were surrounded. The Indians were then strong, and we were weak; and, without looking at the change which has occurred, in any spirit of morbid affectation, but with the feelings of an age accustomed to observe great mutations in the fortunes of nations and of individuals, we may express our regret, that they have lost so much of what we have gained. The prominent points of their history are before the world, and will go down unchanged to posterity. In the revolution of a few ages, this fair portion of the continent, which was theirs, has passed into our possession. The forests, which afforded them food and security, where were their cradles, their home, and their graves, have disappeared, or are disappearing, before the progress of civilisation.

We have extinguished their council fires, and ploughed up the bones of their fathers. Their population has diminished with lamentable rapidity. Those tribes that remain, like the lone column of a fallen temple, exhibit but the sad relics of their former strength; and many others live only in the names, which have reached us through the earlier accounts of travellers and historians. The causes, which have produced this moral desolation, are yet in constant and active operation, and threaten to leave us, at no distant day, without a living proof of Indian sufferings, from the Atlantic to the immense desert, which sweeps along the base of the Rocky Mountains. Nor can we console ourselves with the reflection, that their physical declension has been counterbalanced, by any melioration in their moral condition. We have taught them neither how to live, nor how to die. They have been equally stationary in their manners, habits, and opinions; in everything but their numbers and their happiness; and although existing more than six generations, in contact with a civilised people, they owe to them no one valuable improvement in the arts; nor a single principle, which can restrain their passions, or give hope to despondence, motive to exertion, or confidence to virtue.

Slow and embarrassing has been the progress of all barbarous tribes, through that interval of their history, which

follows the first rude efforts to procure a bare subsistence, and which is terminated by the operation of those causes, that eventually lead to everything desirable in civilised life. Nor is it easy to assign the true reason for these changes, and we may seek it in vain, either in fabulous or authentic history. The first impulse may be given by accidental circumstances, by a Hercules or a Manco Capac, whose labors tradition has distorted, while it has perpetuated them. This wide interval of stationary existence is occupied by many tribes, in very different stages of improvement, from the Bosjesman and the Eskimaux, antipodes in residence, but exhibiting equally the lowest state of human degradation, to the comparatively polished hordes, who live now as they have always lived, among the earliest monuments of history and tradition. There the Arab has remained, as unchanged as his cloudless sky and sandy desert, and the Scythian Nomades yet roam through the Asiatic wastes, as they did in the days of Herodotus.

Efforts, however, have not been wanting, to reclaim the Indians from their forlorn condition; but with what hopeless results, we have only to cast our eyes upon them to ascertain. Whether the cause of this failure must be sought in the principles of these efforts, or in their application, has not yet been satisfactorily determined; but the important experiments, which are now making, will, probably, ere long put the question at rest. During more than a century, great zeal was displayed by the French Court, and by many of the dignified French ecclesiastics, for the conversion of the American aborigines in Canada; and learned, and pious, and zealous men devoted themselves with noble ardor, and intrepidity, to this generous work. At what immense personal sacrifices we can never fully estimate. And it is melancholy to contrast their privations and sufferings, living and dying, with the fleeting memorials of their labors. A few external ceremonies, affecting neither the head nor the heart, and which are retained like idle legends among some of the aged Indians, are all that remain to preserve the recollection of their spiritual fathers; and we have stood upon the ruins of St Ignace, on the shores of Lake Huron, their principal missionary establishment, indulging those melancholy reflections, which must always press upon the mind, amid the fallen monuments of human piety.

The great error of the Catholic fathers was in the importance, which they attached to speculative creeds, and unmeaning ceremonies; and in their neglect to teach their Neophytes any arts, which could be useful to them. Frivolous questions assumed a very false importance; and among other instances of this folly, it was gravely referred to the Doctors of the Sorbonne, to decide whether beavers' tails might be eaten in Canada in lent. The consequence of all this was, that no valuable nor permanent impression was made upon the Indians, and the separation of the shepherd and the flock soon scattered the latter among the forests, unsettled in their opinions, and unfitted by habit for the only pursuit before them.

The efforts, which benevolent individuals and associations are now making through the United States, in cooperation with the government, are founded upon more practical principles, and promise more stable and useful results. We consider any attempt utterly hopeless, to change the habits or opinions of those Indians, who have arrived at years of maturity, and all we can do for them is to add to the comforts of their physical existence. Our hopes must rest upon the rising generation. And, certainly, many of our missionary schools exhibit striking examples of the docility and capacity of their Indian pupils, and offer cheering prospects for the philanthropist. The union of mental and physical discipline, which is enforced at these establishments, is best adapted to the situation of the Indians, and evinces a sound knowledge of those principles of human nature, which must be here called into active exertion. A few years will settle this important question; and we have no doubt, that on small reservations, and among reduced bands, where a spirit of improvement has already commenced, its effects will be salutary and permanent.

But we confess that, under other circumstances, our fears are stronger than our hopes. Where the tribes are in their original state, with land enough to roam over, and game enough to pursue, they not only do not feel the value of our institutions, but are utterly opposed to them. Young men, sent from the missionary establishments among such tribes, may be Indians in blood and color, but they will be whites in habits, feelings, and opinions. They cannot be hunters, for

time and experience can alone qualify them for these pursuits, which will be found incompatible with the whole course of their education. Nor can they, without such pecuniary means as few will be able to command, become successful farmers. They will be strangers in their native land, exciting jealousy and suspicion, and seeking in vain one kindred feeling. And if they should receive or acquire any property, their Indian relations, in conformity with invariable custom, would live with them in entire indolence, until it was exhausted. What hopes or employment are left for them under these circumstances? We apprehend, that in too many instances they would seek refuge in excessive ebriety; and this has been remarked upon the frontiers, as the fate of almost every Indian, who has been educated in our settlements. But we have too much respect for the pious men, engaged in this mighty effort, and feel too deep an interest in the result, to wish to discourage their labors by any untimely forebodings. The final issue must be left to the unerring test of experience.

A different plan has been suggested by the Executive Department of the government, and recommended to Congress. This plan contemplates certain conventional arrangements with the various tribes, east of the Mississippi, by which they may be induced to abandon their present places of residence, and remove to the country west of that river. The able and excellent statesmen, with whom it had its origin, have probably, in surveying the condition of the Indians, derived no hope for the future, from a retrospect of the past; and they felt, that the situation of this hapless people pressed upon the responsibility of the government, and the character of the country. But we are seriously apprehensive, that in this gigantic plan of public charity, the magnitude of the outline has withdrawn our attention from the necessary details, and that, if it be adopted to the extent proposed, it will exasperate the evils that we are all anxious to allay.

Migratory, as our Indians are, they all have, with few exceptions, certain districts which they have occupied for ages; to which they are attached by all the ties which bind men, white or red, to their country; and where their particular habits, and modes of life, have become accommodated to the nature of the animals, which furnish their subsistence. The larger quadrupeds, whose flesh is used for food, the buffalo,

the moose, the elk, the deer, the bear, the caribou, and the musk ox, are not found in any single quarter of country, and very different modes of taking and killing them are used, founded on their various habits, and acquired by long experience. This is also the case with the fur bearing animals, the muskrat, the raccoon, the otter, and the beaver. And so with respect to other articles of food, the various kinds of fish, wild rice, roots, and berries.

Providence, which tempers the wind to the shorn lamb, has distributed these productions through the country with an impartial hand, and the Indians have availed themselves of the food thus spontaneously offered to them, and have learned the mode of taking, preparing, and preserving it. A removal through eight degrees of latitude, and fifteen degrees of longitude, will bring many of them to a country, of whose animal and vegetable productions they are ignorant, and will require them to make great changes in their habits, to accommodate themselves to the new circumstances, in which they may be placed;* changes, which we, flexible as we are, should make with difficulty, and with great sacrifices of health and life. It is no slight task for a whole people, from helpless infancy to the decrepitude of age, to abandon their native land, and seek in a distant, and perhaps barren region, new means of support. The public papers inform us, that an attempt was made this season in Ohio, by the authorised agents of the government, to induce the Shawnese to remove to the west, and that liberal offers were made of money, provisions, and land. But it seems they declined, alleging that they were happy and contented in their present situation, and expressing their dissatisfaction with the nature of the country offered to them.

But this is not all. Many of the tribes, as we have already seen, east and west of the Mississippi, are in a state of active warfare, which has existed for ages. The Chippewas are hereditary enemies of the Sioux, and the Sacs and Foxes have recently joined the former in the war; and most of the Algonquin tribes, the Delawares, Shawnese, Kickapoos, Mia-

* These observations do not apply to the removal of the Creeks. Many of their own people, and still more of their kindred tribes, have removed west of the Mississippi. And the country offered to them there, is in its climate similar to their own.

mies, and others, are in the same relation to the Osages. How are these tribes to exist together? As well might the deer associate with the wolf, and expect to escape with impunity. The weak would fall before the strong. Parcel out the country as we may among them, they will not be restrained in their movements by imaginary lines, but will roam where their inclination may dictate. There is a strong tendency to war, in the whole system of Indian education and institutions. How is the young man to boast of his exploits, at the great war dance and feast of his band, as his father has done before him, unless he can find an enemy to encounter? How can he wear on his head the envied feathers of the war Eagle,* and one for each adventure; or paint upon his body a vermilion mark for each wound, if he must pursue game only, and never travel the war path? A cordon of troops, which should encircle each tribe, might keep them all in peace together. But without such a display of an overwhelming military force, we should soon hear, that the war dance was performed, the war song raised, and that the young men had departed in pursuit of fame, scalps, and death. And this scene would be more tremendous, as the Indians were more compressed. They could then neither conceal themselves from the pursuit of their enemies, nor flee from their vengeance.

But it may well be asked, how are we to afford the Indians any aid? How are we to preserve them from decline and extinction? And we must confess, that these questions are not easily to be answered. Some will remove beyond the

* The feathers of this bird, the *Falco fulvus* of Wilson, are highly esteemed by the Indians. No person is permitted to wear them, who has not been engaged with an enemy; and as one is worn for each adventure, they are *visible* chronicles of the deeds of the warriors. He who has arrived at years of maturity, and is destitute of these evidences of daring, is little better than a squaw. They are tied to the hair, and are admirably adapted to give effect to the whole Indian costume.

The bird itself is called the Calumet Eagle, and is among the American birds, what the lion is among quadrupeds. These eagles fly rapidly, and their descent is attended with a sound, which is heard at a considerable distance, and which is a signal to all other birds to disappear.

Their evident superiority has led to the veneration in which they are held. They are rare, and killed with difficulty. A hole is sometimes dug and slightly covered, and here a hunter will watch day after day, with a bird in his hand to entice and take the eagle. At other times a deer is killed, and a covert made near it, where equal patience is displayed, till a successful shot secures the prize. A horse is sometimes given for a feather.

Mississippi. But this will be done gradually, as their circumstances may require, and as their safety may permit. Others will remain, and perhaps become incorporated with our population.

The whole subject, however, is involved in great doubt and difficulty, and it is better to do nothing, than to hazard the risk of increasing their misery. For ourselves, we think, that the efforts of the government should be limited to certain general objects and regulations. That the laws, regulating trade and intercourse with them, should be revised, and their injunctions and prohibitions rendered more plain in execution. That the officers of the Department should be increased, and stationed at every important point of the frontier, to soothe and encourage the Indians, to enforce the observance of the laws, and to watch the conduct of the traders. That neither expense nor exertions should be spared, to prevent the introduction of whiskey into the country, and that the Indians should be persuaded to pass the boundary line, as seldom as possible. That the acts of Congress should be extended to them, under that provision of the constitution, which allows the general government to regulate our intercourse with them, when in our settlements, where they are now lamentably exposed, and left without protection. That hunters and trappers should be excluded from their country. That, as the failure of any of their ordinary articles of subsistence is attended with frightful calamities, provisions should be sent to them occasionally, when suffering from want; that seed corn, domestic animals, and farming utensils, should be distributed among them, and that honest, zealous men should be employed to labor for them and with them. That they should be encouraged to hold separate property, and to divide their lands among families and individuals. That ten thousand dollars should be annually added to the appropriation for civilising them, until a satisfactory judgment can be formed, of the probable result of this experiment. And that, after all this, we should leave their fate to the common God of the white man and the Indian.

ART. VI.—*Fauna Americana; being a Description of the Mammiferous Animals inhabiting North America.* By RICHARD HARLAN, M. D. Philadelphia. 1825. A. Finley. 8vo. pp. 318.

THE object of this work is to present, under a systematic arrangement, a scientific history of all the mammiferous animals of North America, and it is probably the first attempt of the kind. The object, however, which is professed in its title, is not wholly followed up in the body of the work; the animals of Mexico being avowedly excluded from the description and arrangement, although, in the preface, an enumeration is given of those known to exist in that country. The number of animals, described within the region embraced by Dr Harlan's plan, is greater than we should have at first supposed to be now known to naturalists. He has been able to distinguish, he remarks, one hundred and fortyseven species, with considerable accuracy. From his preface we quote the following passage.

'A work, having for its object the illustration of the natural history of our country, cannot fail to prove interesting, and has long been a desideratum to naturalists. However unqualified for the task, I have nevertheless found ample room for additions, alterations, and improvements. On the *utility* of the undertaking it will be unnecessary to insist, when, on referring to the latest authorities who have treated of this subject, we are struck with the confusion, the errors, and the deficiencies, which still prevail. In the very latest work, Desmarest's Mammalogie, published in the year 1820, which professes to describe all the species of Mammalia hitherto known, the number inhabiting North America is limited to one hundred *species*. Of these many are described as uncertain, and his accounts of the manners and habits of most of them are at best deficient.'

What these additions, alterations, and improvements are; in what manner confusion has been reduced to order, errors corrected, and deficiencies supplied, may appear in the sequel. Meantime, to exhibit the author's labors within a small compass, we have prepared, and think proper to insert in this place, a catalogue of the animals described in his work, in their systematic order as marshalled by him. This will serve at once to show the field over which his labors have been

spread, and give those, who seldom consult books of this description, an opportunity of taking in, at a single view, the whole of the animals of this class, found in this part of North America. In order to assist in the discrimination of the names belonging to genera and species, those of genera are printed in small capitals, those of species in the common small type. Those genera and species introduced by Dr Harlan, as being first noticed, described, or named by him, are in italics, and those which have been only known in the fossil state, have an asterisk prefixed.

CLASS MAMMALIA.

Order I. Primates.

Homo. 1 sapiens. American Variety.

Order III. Carnivora.

Family Cheiroptera. Tribe Vespertilio.

Rhinopoma. 1 caroliniensis.

Vespertilio. 1 caroliniensis, 2 noveboracensis, 3 pruinosus, 4 arquatus.

Taphozous. 1 rufus.

Family Insectivora. First Division.

Sorex. 1 constrictus, 2 araneus, 3 parvus, 4 brevicaudatus.

Scalops. 1 canadensis, 2 *pennsylvanica.*

Condylura. 1 cristata, 2 longicaudata, 3 *macroura.*

Talpa. 1 europea.

Family Carnivora. First Tribe, Plantigrada.

Ursus. 1 arctos, 2 cinereus, 3 americanus, 4 maritimus.

Procyon. 1 (ursus) lotor.

Taxus. 1 (meles) labradoria, 2 jeffersonii.

Gulo. 1 arcticus.

Mustela. 1 vulgaris, 2 erminea, 3 *lutreocephala*, 4 vison, 5 canadensis, 6 martes.

Mephitis. 1 americana.

Lutra. 1 brasiliensis, 2 marina.

Canis. 1 familiaris, 2 lupus, 3 lycaon, 4 latrans, 5 nubilus, 6 vulpes, 7 argentatus, 8 decussatus, 9 virginianus, 10 fulvus, 11 cinereo-argenteus, 12 velox, 13 lagopus.

Felis. 1 concolor, 2 onca, 3 pardalis, 4 canadensis, 5 rufa, 6 fasciata, 7 montana, 8 aurea.

Tribe. Carnivorous Amphibious Animals. (Carnivora pinnipedia.)

Phoca. 1 cristata, 2 vitulina, 3 groenlandica, 4 fetida, 5 barbata, 6 (otaria) ursina.

Trichecus. 1 rosmarus.

Family Marsupialia.

Didelphis. 1 virginiana.

ORDER IV. GLIRES.

Section I.

CASTOR. 1 fiber.

**OSTEOPERA.* 1 **platycephala.*

FIBER. 1 zibethicus.

ARVICOLA. 1 amphibius, 2 xanthognatha, 3 *palustris*, 4 *hortensis*, 5 floridanus, 6 pennsylvanica.

LEMMUS. 1 hudsonius.

MUS. 1 rattus, 2 sylvaticus.

PSEUDOSTOMA. 1 bursarius.

GERBILLUS. 1 canadensis, 2 labradorius.

ARCTOMYS. 1 monax, 2 empetra, 3 ludoviciani, 4 tridecem-lineata, 5 franklinii, 6 richardsonii, 7 pruinosa, 8 parryii, 9 brachyura, 10 *latrans*, 11 rufa.

SCIURUS. 1 cinereus, 2 capistratus, 3 rufiventer, 4 niger, 5 magnicaudatus, 6 quadrivittatus, 7 lateralis, 8 grammurus, 9 striatus, 10 hudsonius, 11 ludovicianus.

PTEROMYS. 1 volucella.

HYSTRIX. 1 dorsata.

LEPUS. 1 americanus, 2 glacialis, 3 *virginianus*.

ORDER V. EDENTATA.

First Tribe. Tardigrada.

*MEGATHERUIM. 1 *cuvieri.

*MEGALONYX. 1 *jeffersonii.

ORDER VI. PACHYDERMATA.

First Family. Proboscidea.

ELEPHAS. 1 *primogenius.

*MASTODON. 1 *giganteum, 2 *angustidens.

Second Family. Pachydermata, properly so called.

SUS. 1 scrofa.

DICOTYLES. 1 torquatus.

TAPIRUS. 1 **mastodontoides.*

ORDER VII. PECORA.

Second Division. First Tribe.

CERVUS. 1 alces, 2 tarandus, 3 canadensis, 4 virginianus, 5 macrotis, 6 **americanus.*

Third Tribe.

ANTILOPE. 1 americana.

CAPRA. 1 montana.

OVIS. 1 ammon.

OVIBOS. 1 moschatus.

BOS. 1 americanus, 2 **bombifrons*, 3 **latifrons.*

ORDER VIII. CETA.

First Family. Cetacea Herbivora, Sirenia.

MANATUS. 1 latirostris.

RYTINA. 1 (STELLERUS) borealis.

Second Family. Ceta or Whales proper. First Division.

Delphinus. 1 coronatus, 2 delphis, 3 canadensis, 4 phocœna, 5 gladiator, 6 grampus, 7 leucas, 8 anarnachus.

Monodon. 1 monoceros, 2 microcephalus, 3 andersonianus.

Second Division.

Physeter. 1 macrocephalus, 2 trumpo.

Balæna. 1 mysticetus, 2 glacialis, 3 nodosa, 4 gibbosa, 5 gibbar, 6 boops, 7 rostrata.

Unless there is some oversight in making out this catalogue, which we presume there is not, the following table exhibits the number of species in each order; and, by way of comparison, we place by the side of it, a table given by the author, in his preface.

Orders.	*Number of Species.*	*Author's Table.*
1. Primates,	1	1
3. Carnivora,	62	60
4. Glires,	42	37
5. Edentata,	2	6
6. Pachydermata,	6	2
7. Pecora,	13	13
8. Ceta,	22	28
	148	147

It will be perceived, that, if this enumeration is to be trusted, and great care has been taken to make it accurate, the author's table is wrong in five orders out of seven. Two of these errors may, however, be attributed to an accidental transposition of numbers, viz. orders 5 and 6. For the rest, there seems to be no such excuse. He speaks, also, in the preface, of eleven fossil species; only ten are contained in the above list. He must, therefore, intend to include a fossil species of Manatus, which is neither named nor numbered, and which, if admitted, will make the number of the last order 23, and the total of all the orders 149.

In the construction of his orders, Dr Harlan appears to have followed the *Règne Animal* of Cuvier, and we have numbered them accordingly. The names, however, are adopted, partly from that author, and partly from Linnæus. Thus, for the first order, he retains the Linnæan denomination, Primates; although he excludes from it the bats, and, we presume, the monkeys also, which originally belonged to it. To the fourth order he gives the name Glires, instead of

the more modern and expressive one of Rodentia. To the seventh, the proper appellation, Ruminantia, is applied in the preface, but in the body of the work, this is discarded for Pecora; and so, also, Cetacea in the preface becomes Ceta in the sequel. There does not appear to be any sufficient reason for thus retaining the Linnæan names of a few of the orders, whilst their constitution, and the names also of all the others, are adopted from a different system. Names themselves are not originally of any very great consequence, yet they become so, when they have been employed for a long time to designate particular things. It is not, perhaps, in itself a matter of much importance, whether the first order of Mammalia be denominated Primates, or Bimana; but since it is generally known that the naturalists, who have severally adopted these names, constituted the order in a manner entirely different; that Cuvier places in it man alone, whilst Linnæus associated him with monkeys, lemurs, sapajous, and bats; the terms are gradually understood in a specific sense, and bear always the meaning attached to them by those, who first introduced them. At all events, the adoption of any new method of arrangement, or the use of any terms in a sense differing from that generally received, should be premised by some sufficient explanation.

It is stated in the preface, that 'twentyfive species are common to both continents, without including the cetaceous animals.' That is to say, about one fifth part of the quadrupeds, inhabiting North America, are common to it with the Eastern continent. Dr Harlan is too ready to admit the identity of species of the new, with others of the old world, or at least he does it without showing that deliberation, which the decision demands, and without apparently considering the doubts, which rest upon the subject. It certainly admits of a doubt, whether any species of animals is common to the two continents, except where it may have been transported from one to the other, by some accidental mode of conveyance, or unless it resides in the northern regions, and is capable of enduring the rigors of a polar winter, so that it may be supposed to have passed in some way from one continent to the other.

It is a general result of the observations, upon the distribution of both the vegetable and animal creation, that each

species appears originally to have inhabited some particular region, from which it has spread more or less extensively, according to its own nature, and the nature of the country in which it was first placed. Buffon remarked, that the animals of the old world were in general different from those of the new, and that the species common to both were such, as are able to endure the extreme cold of the arctic regions, and may therefore be supposed to have found a way from one continent to the other, where they approach very near together, and may have been formerly joined. Of the general truth of this statement, there is abundant proof. Whether there are not many individual exceptions is not so easily determined. All the largest, the most clearly described, and the most easily distinguished animals of the old world, are certainly peculiar to it; and although there may be in the new, animals closely resembling them, corresponding to them, and often mistaken for them, yet they are almost always specifically, and often generically distinct. Thus of the Proboscidean family, the living elephants are peculiar to the eastern continent; and fossil remains indicate the former existence in the western, of a race of animals resembling them in many important particulars, although generically distinct; whilst there is sufficient evidence, that a species of elephant, adapted by its structure to endure the cold of the northern regions, formerly existed in both. Of the celebrated ferocious animals of the feline race, we have not one. It is true we hear of the American tiger, and the American lion, but they are manifestly creatures smaller, less powerful, and less terrible. The wolf, on the contrary, whose constitution is hardy, and able to endure the rigors of a polar winter, is the same in Europe, in Asia, and in America. The two species of camel are confined to Asia and Africa. America has a genus, the Llamas, nearly allied, and not less adapted to the peculiar character of the countries in which it resides. The comparison might be carried farther, and it might be shown, that those species, which have been supposed common, have been small, obscure, imperfectly observed, not easily recognised, and incapable of that precise description, which may be given of the larger.

In confirmation of the same general view, it appears that the successive discovery of new and insulated portions of the

globe, as America and New Holland, has brought to light, not only new genera and species, but races of animals of a totally different kind, possessing strange, and before inconceivable characteristics. Thus, on the discovery of America, were first known those singular animals, the sloths, characterised by Buffon as defective monsters, and rude and imperfect attempts of nature; and the marsupial animals, which were then looked upon as strange and anomalous, in their structure and habits. In New Holland an entirely new order of things was opened to the eyes of naturalists. The world of nature, in that remote region, seemed to have been formed upon a new model. The marsupial animals, before considered as exceptions to the general rules of animal conformation, were here found to predominate. Elsewhere regarded as rarities, here there was little else, till, as exceptions to these exceptions, to the infinite disturbance of all quiet and old fashioned naturalists, the monotremous genera, and among them that strange beast, the ornithorhynchus, were brought to light; a tribe of animals, that seem to scorn classification, set rule and order at defiance, and although properly neither flesh, fowl, nor reptile, yet bear such resemblance to each, as to puzzle any one who shall attempt to fix their place in the system of nature.

Another fact to the same purpose is, that of the various animals which inhabit the arctic regions, and whose constitution renders it impossible for them to bear the journey across the tropics, probably not one is found in the antarctic. This is not only true of the land animals, but also of those inhabiting the sea, from the largest, down to the most minute and inconsiderable. It is remarked by MM. Peron and Le Sueur, that upon an examination, not merely of the Dorides, the Aplysias, &c. but carried down to the Holothurias, the Actinias, and the Medusas, or even still farther to the sponges, universally regarded as occupying the lowest rank of animal existence, it is found that out of the whole immense multitude of these antarctic animals, not one is known in the northern seas.

Dr Prichard, a most intelligent English writer, has given the subject a full consideration in his 'Researches into the Physical History of Man,' a work full of learning and ingenuity. After an examination of all the instances in which it

might be supposed, that species were common to the eastern and western continents, he arrives at the conclusions, that no animal is common to the warm parts of the two continents; that no European species is indigenous in both, which is not a native of countries north of the Baltic in one, and of Canada in the other; that no Asiatic species is found in America, except such as inhabit the northern parts of the Russian empire, and most of these in those districts which approximate to America, whilst some have left proofs of their existence there in their fossil remains, and some have even been traced through the intervening islands; and that scarcely any animal has an extensive range in the northern regions of either continent, which is not common to both. All these considerations point to the general inference, that these tribes are common to the two continents, because, from their locality and habits, they have been enabled in some way to effect a communication from one to the other; but that, originally, each continent had its peculiar stock of mammiferous animals, which has continued peculiar in all parts of the continents, except where such a communication may be conceived, in the course of ages, to have taken place.

It therefore appears highly probable, that, with the limitations made above, the species aboriginal in each continent are also peculiar to it. And although this may not be conclusively established, the result at least is inevitable, that it behoves naturalists to be very cautious in admitting the identity of American and foreign species; that it should not be done except after a thorough examination of both external and internal characters, and then only by the concurrent opinion of competent judges.

Dr Harlan is unfortunate in the connexion and arrangement of his species, particularly in the subdivisions of tribes, families, and subgenera. He in no place directly informs us, whose system of subdivisions he has adopted. In a work confined to the animals of a particular country, we can of course have only parts of a methodical arrangement, but it is of little use to introduce these parts, when the student has no clue, by which to discover what and where is the whole to which they belong. Divisions of this sort have no use or meaning, except in relation to one another. Class, order, genus, and species, are terms universally received and au-

thorised by long use; their extent and meaning are generally understood. But suborder, family, tribe, and subgenus, not to say section and division, are terms whose signification is by no means accurately defined. They are too often used in a vague sense, and by different authors in a very different one. There is a considerable uniformity in the arrangement of the animal kingdom, by naturalists, into the divisions of the first kind; they have proceeded commonly upon similar principles, and have arrived at results not very unlike. But with regard to the second kind, much diversity occurs, both in the principles by which authors have been governed in making them, and also in the meaning of the terms used to express them.

A beginner in natural history would be perpetually perplexed, and be liable to constant error, from the want of attention to this point, in the Fauna Americana. This work may be likely to fall into many such hands, and be taken as a guide in the study of this branch of science. It should, therefore, have been carefully guarded. How careless and superficial the author has been in this very particular, we proceed to show by a variety of examples.

The order, Carnivora, he subdivides into families according to Cuvier. The first family is that of Cheiroptera, containing animals of the bat kind. This family, as it appears, he subdivides into tribes, and immediately announces, without preparation, '*Tribe Vespertilio.*' Under this tribe, after inserting and describing the genus Rhinopoma, he introduces the *genus* Vespertilio, with which he gives the dental formula of Linnæus and Desmarest, marked 1 and 2, implying, as one would imagine, that reference was made to two subdivisions of the genus, but whether this was intended, or whether the formulæ were introduced merely for the purpose of comparison, does not appear, and we are left in doubt what use to make of them. Then follows the generic description, and one species numbered 1. Immediately after the description of this species, a new division comes upon us unexpectedly, entitled '1*st Division*, VESPERTILIO, *Geoff.*,' with a dental formula differing slightly from that of Desmarest, a short description, and an enumeration of the species hitherto observed. Three species of Vespertilio are then described, which, without reference to that already described,

are numbered 1, 2, 3, and among them one which is not of those enumerated, but a page before, as the only ones belonging to this division.

Now it is hard to make anything of this, and yet the author, for aught we know, may have understood himself very well, and had a very clear object in what he has done. Still we do not keep up with him in his easy transition from genus to species, from species to division, and from division to species again. This, however, might have been accidental were it the only instance, but it is not so. Proceeding to the next family, Insectivora, we find immediately after the character of the family, a '1st *Division*,' intended to include the first *tribe* of this family, according to Cuvier, from whom in fact the description of its character is almost literally translated. Here is an instance of the vague use of terms, concerning which we have spoken. *Tribe* was used under the former family to designate a subdivision of the genera belonging to a family, whilst now the term *division* is used for a similar purpose, which, under the same family, was employed to stand for the parts of a subdivided genus. But although the first division, or, more properly, tribe of this family, is thus noticed and characterised, we look in vain for the second. This is entirely and unaccountably omitted, although there are two genera belonging to it, Condylura and Talpa, which stand thus in the work in a tribe to which they do not belong, and with a character to which they do not correspond.

The family Carnivora follows next, and this is by Cuvier divided into three tribes, Plantigrada, Digitigrada, and Amphibia. Genera belonging to all these tribes are contained in Dr Harlan's book, but he announces only two. The plantigrade animals are defined, (p. 45,) and called '1st *tribe*,' but we hear no more of tribes, till fifty pages farther onward we encounter the third tribe, Amphibia, which, however, is not called third, but is introduced simply thus, '*Tribe.* CARNIVOROUS AMPHIBIOUS ANIMALS (*carnivora pinnipedia*).' This method of arrangement, taken in good earnest, would actually include all the digitigrade animals, such as the weasel, fox, wolf, and cat, under the first tribe.

In the next order, Glires, a similar negligence occurs. This order is generally divided into two families, the charac-

ter of which is founded upon the clavicle, which is strong and powerful in one, and only rudimentary and imperfect in the other. The first of these is announced in its proper place, but is styled *section;* another term to express a division corresponding to those, which had been before introduced under a different name. Of the second we discover no intimation, although two genera are described, which are properly comprehended under it.

These are instances of carelessness, which ought not to have been suffered to appear in a scientific work, professing to remove confusion, correct errors, and supply deficiencies. They are so palpable, indeed, that were they not so numerous, one would have attributed them to inaccuracy of the press. There are others relating to the more minute details of this book, a few of which only can be noticed. The genus Phoca affords a memorable example of the loose and incomplete manner, in which the author treats his subject. This genus, it may be proper to premise, has been subdivided by Peron into two subgenera, one of which retains the denomination Phoca, the other has received that of Ortaria. Dr Harlan gives in the first place five dental formulæ, but without the smallest intimation of the purpose for which they are introduced; no use is made of them, no subdivision founded upon them, they have nothing to do with the two subgenera; they correspond to nothing which he has given us with regard to any other genus, except perhaps Vespertilio, which, as we have seen, is far from being so full of light, as to be able to impart any. Having described the genus, the subgenus Phoca is announced, which is numbered 1, and its character given. Then follow six species numbered from one to six, the sixth of which belongs to the subgenus Otaria, and is named Otaria with Phoca as a synonym, whilst the notice and character of subgenus 2, which should precede it, are omitted. What makes the matter worse is, that in the next sheet, into which the account of this genus extends for a few lines, a note is appended, containing the notice and character of Otaria, omitted in its proper place, a notice which no one would comprehend, who was not already acquainted with the history of the genus. The perspicuity, moreover, of a work of science should not depend upon the contingency of the au-

thor's perceiving his errors and omissions, in season to correct them in the next proof.

Several errors occur in the arrangement of the names and synonyms of genera and species, which render it uncertain, what the name of the genus or species in question is really intended to be. Thus, under the genus *Procyon*, we find the species *Ursus* lotor; under *Taxus*, *Meles* labradorius; under *Rytina*, *Stellerus* borealis. This is explained by stating, that, in the first case the synonym of the species is placed instead of the name, the name being among the synonyms, whilst in the second and third the same mistake occurs with regard to the synonym of the genus. This at least appears to be the explanation. There are errors of a different kind in the names. Thus, we have a genus called *Taphozous taphiens*, the French name, (les Taphiens) or the name of another genus having crept in by accident. The genus Felis is styled, 'Cat or Felis;' and in the same way we have 'Pecari or Dicotyles,' and 'Cachalot, Physeter.'

The style of Dr Harlan's work is loose, and indicative of haste and want of revision. Two or three examples will explain our meaning.

'The above *description*,' says the author, 'is taken principally from a prepared specimen in the possession of Mr C. Bonaparte, and *was killed* on the Blue Mountains, in the state of Pennsylvania.' p. 198. 'The *plane* of the occiput represents a *semicircle*.' p. 273. 'We are credibly informed by an *eyewitness of the fact*, that the Norwegian rat *did not make its appearance* in the United States, any length of time previous to the year 1775.' p. 149.

We intended to make a variety of other criticisms, both in matters of science and language, which are omitted, because, as it is impossible to notice them all, it is sufficient to have introduced enough to justify the opinions we have expressed. The work is, in fact, so constantly disfigured by instances of looseness, carelessness, and inaccuracy, as to destroy confidence in the fidelity of its execution. The author is evidently not deficient in knowledge of natural history; his errors have mainly arisen, as it appears to us, from the inconsiderate haste with which his work has been written, and hurried through the press. As further proofs of this haste, it may be stated, that Dr Harlan has inserted in his *Addenda*,

the description of a number of species, discovered by Messrs Lewis and Clarke, and described in the account of their Expedition up the Missouri many years since, a work to which he repeatedly refers in the body of his book; and that, for the descriptions of nearly all the species of the last genus in the volume, Balæna, he refers us to *Bonnaterre's Cetologie*, instead of translating or abridging these descriptions, a task of which he has not been in other places very sparing.

There is almost a total want in this work of that mechanical assistance, which may be derived from a skilful application of the mode of printing, to the illustration of the details of natural history, Of the advantages which proceed from this source, even Cuvier has not disdained to avail himself in his great work, upon the classification of the animal kingdom; and whoever has had occasion to consult it must have perceived the immense facility, which is thus afforded to the student. It is only to appropriate a particular type to the names, and to the descriptions appertaining to each division and subdivision, and the eye catches at once the relative importance and extent of what relates to each. This mechanical aid should never be forgotten; it is of no trifling assistance even to the most experienced naturalist. But in the Fauna Americana, with a few exceptions, both titles and text are in the same dead unvaried type; the former in italics, the latter in roman; so that the clumsy expedient is adopted, of repeating the words genus, subgenus, and species, whenever these divisions occur.

It will be observed upon reference to the catalogue, on a preceding page of this article, that among the animals of North America, Dr Harlan has inserted a considerable number of fossil species. In fact, the whole of those of the order Edentata, and all but one of the indigenous animals of the order Pachydermata, are fossil. The results which have been obtained, by the investigations of some European naturalists into the characters of fossil bones, have something in them grand and imposing. With regard more particularly to those of Cuvier, there seems to be no reason to doubt that the conclusions, at which he has arrived, possess all the certainty of which the subject is capable. The facilities afforded by his situation for the pursuit of this branch of study, the extent of his attainments in the comparative anatomy of living animals,

and, with all this previous qualification, the slow, cautious, and deliberate manner in which he comes to results, give him strong claims to our confidence. Yet it is hard to go along with him when he expresses his belief, that from the smallest remaining bone of any animal, it is possible to determine not only its order, but its genus and species; in short, to reconstruct its whole anatomy; just as it is possible for the mathematician, from any given equation of a curve, to demonstrate all its properties. That there is such a relation between the parts of the body of every animal, as is asserted by this distinguished anatomist, and that the peculiarity, which every species exhibits as a whole, is also impressed upon even the most minute part of its fabric, may be readily admitted, but that this character is cognisable in the fang of a cuspidatus, the smallest bone of the tarsus, or one of the extreme phalanges, exceeds our belief. We cannot forget, in expressing this opinion, the mistake of a European anatomist, second to but few of his time, who, in examining some fossil bones, placed an important fragment of the head in a reversed position, and thus gave an entirely new face to the animal. It would not be passing strange, could these antediluvian quadrupeds rise up in judgment against the philosophical disturbers of their remains, if they should exhibit metamorphoses, wrought by the hand of science, extremely inconvenient, and somewhat inconsistent with their former habits. The mammoth, perhaps, might not be sufficiently grateful to anatomists for the elephantine proboscis, so generously bestowed upon him; and the megalonyx might very reasonably prefer ranging the woods, a ferocious and majestic beast of prey, as Mr Jefferson describes him, to a life of idleness and inactivity, under the very different character of the three toed sloth of the antediluvian world, according to the award of Cuvier.

Seriously, we think that the splendid discoveries, which have resulted from the extraordinary attainments of the French anatomist, and we would not speak of them except with respect and confidence, are likely to lead others into very imperfect and crude speculations upon fossil bones. We do not object to the description of all such remains fully and accurately, in connexion with the description of the living animals of the country where they are found. This is proper, and indeed highly important and interesting. But we do

strenuously object to their erection into genera and species, except upon the most undoubted authority, and to their being thus unceremoniously embodied in the natural history of a country. Too much doubt must hang over the conclusions at which most naturalists arrive, on such points, to admit of so decided a step as this. Dr Harlan has thought otherwise. He has seen fit, upon the authority of a mutilated skull, found on the shore of the river Delaware, to erect a new genus, *osteopera;* and upon no better foundation, than a single molar tooth, exhumed in the western part of our country, has built a new extinct species of Tapir, which he has had the satisfaction of christening with his own hand. Farther than this; Dr Wistar, in a paper read to the American Philosophical Society, described certain fossil bones, presented by Mr Jefferson, which he believed to belong to species of the genera Cervus and Bos, but modestly forbears to systematise them. Our author has done this office for these neglected reliquiæ, and they accordingly figure among the mammalia of the United States, as the *Cervus Americanus*, *Bos bombifrons*, and *Bos latifrons*, all '*nobis*,' which last term, as some of our readers may need to be informed, signifies that the genus, or species, after which it is inserted, has been constituted and named by the naturalist in whose work it appears.

The consideration of this subject suggests another, which is of importance to the accuracy and soundness of American natural history. We mean the growing propensity of naturalists to construct new genera and species. This disposition is unphilosophical and productive of confusion. It is a departure from the true spirit of scientific investigation. It is not so easy a matter for men, of even good attainments in natural history, to determine whether a species has been before described and named, or not. So imperfect are the short descriptions which are often given, so loose and vague is the language of too many naturalists, so extremely difficult indeed is the task of clear description, and so few are there who perform it well, that the identification of a specimen with any known species or genus, is frequently a difficult task, and we should be very cautious in concluding because we cannot identify it, that it is therefore something new. The creation of a new genus in natural history is a weighty matter; it should not be lightly done, it should not be soon done; the

subject should be left for repeated consideration and consultation, and should not be ventured, except with the concurrence of more than one skilful naturalist, unless it be by some one whose attainments in science give his opinion weight and authority.

Much less importance is to be attached to the introduction of a new species, and still this requires far more hesitation, than most naturalists seem to feel. At any rate, it is not a matter which demands extraordinary haste. No particular evil results, if the animal in question goes without a legitimate name for a few short months. It is certainly a less evil, than that it should be taken for a new species, when it is in reality an old one, and be thus made to undergo the process of nomenclature a second time. Every new name, it must be recollected, contributes to swell the list of synonyms, already the burden of natural history. But it is the foible of scientific men, at the present day, that they are more anxious to make and promulgate discoveries, than to search out the truth. Some naturalists pride themselves vastly more upon having been the authors of new genera and species, than upon describing with accuracy those already known, ascertaining more exact marks of discrimination between them, or illustrating their character and habits; and yet he performs a far less useful service to science. We repeat, that the task of determining the character of an animal is by no means an easy one, and can be performed by few men with certainty.

Naturalists, of no mean celebrity, do indeed differ essentially in the conclusions at which they arrive, with regard to the same animal, even when possessed of equal means of judging, and equal qualifications. The simple inspection of any work of natural history is sufficient to show us, what confusion and uncertainty are introduced, by this proneness to making discoveries, and this overweening love of the fascinating pronoun *nobis*. The existence of this difficulty, and the obscurity consequent upon it, are admitted by the most eminent naturalists. It is remarked by Cuvier, that in the course of his investigations, he has sometimes found a single species, representing, by means of synonyms, several animals, so different frequently, that they did not even belong to the same genus; and sometimes, on the other hand, the same animal, reappearing in several subgenera and genera, and

even in different orders, as a distinct one. 'We have here an animal,' says Dr Harlan, speaking of the Rocky Mountain sheep, 'described for the first time in 1816, which has already been classed under four distinct genera, with nearly as many specific appellations.' To mend the matter, Dr Harlan places it under a fifth genus. For the pronghorned antelope, an animal of recent discovery, we have no less than half a dozen different names.

We cannot close this article, without expressing regret and strong disapprobation, at the manner in which are written two long notes in Dr Harlan's book, (pp. 140, 143,) concerning certain differences into which he has unluckily fallen with other naturalists, in describing and naming some species of the genus Arvicola. The contest maintained in these notes is quite below the dignity of science. With whom the fault rests, it is not for us to inquire, but we feel justified in saying, that, when personal jealousy is allowed to have an influence in constructing new genera and species, and when *nobis* is arrayed against *nobis* with an air of triumph, no good hope remains for the accuracy of investigations thus pursued, nor for the aid they will lend to the progress of genuine science.

ART. VII.—*Report of the Committee of Foreign Relations, of the House of Representatives of the United States, to which were referred the Memorials of certain Merchants, praying Relief for Losses sustained by French Spoliations.* 1824.

THE claim of the citizens of the United States for French spoliations, is one of immense amount. Studious to avoid exaggeration, and to reduce our statements even within the severest truth, we rated, in an article in our last number, the whole amount of American claims for foreign spoliations of all kinds, at twenty millions of dollars. Our readers will probably think we greatly erred on the side of moderation, when it is recollected, that Messrs Pinckney, Marshall, and Gerry, in 1799, stated the claim for French spoliations alone

at fifteen millions, and that it has been sometimes computed, that, under the French imperial decrees, over fifty millions of American property were confiscated. If these estimates be thought extravagant, our own will be allowed to be exceedingly modest.

In our last number, we gave a very brief sketch of one portion of the French claims. Those claims may very suitably be divided into two general classes, those arising out of spoliations and other sources, prior to the Louisiana Convention in 1803; and those subsequent to that period, growing out of the outrages exercised upon our commerce, under the renowned imperial decrees. The state and prospects of these two sorts of claims are entirely dissimilar, and they will therefore require to be separately treated.

The few remarks which we made, in the article above mentioned, were confined to the claims of the first class, being such whose obligation is alleged by the claimants, to have devolved upon their own country, in consequence of a voluntary renunciation of them by the government of the United States, on behalf of its citizens, in consideration of certain renunciations made by the government of France, of political claims upon the United States. Having in our former remarks, for the sake of brevity, treated this claim as one, without distinctly severing from each other those portions that were, and those that were not, provided for by the Louisiana Convention, we shall now, for the sake of clearness, consider each class separately; a course of proceeding dictated by the very different ground, on which the two classes have been made to stand, by the measures pursued for their recovery.

We shall now consider the claims, which were excluded from the Louisiana Convention; and briefly relate the history of the manner, in which they arose, were prosecuted, and renounced. By the treaty of commerce and amity, concluded between the United States and France, in 1778, the principle of *free ships free goods* was solemnly recognised in the twentythird article, and an undisturbed liberty of trading to the enemies of either party, was respectively stipulated to each other by the United States and France. In violation of this article of the treaty, then in force, on the ninth of May 1793, the French National Convention passed

a decree,* declaring enemy's goods on board neutral vessels lawful prize, and directing the public and private armed vessels of France, to bring into port neutral vessels laden with provisions, and bound to an enemy's port.

On the appearance of this decree, Mr G. Morris, then our minister at Paris, remonstrated against it, and so far prevailed, that the National Convention, on the twentythird of the same month, declared, 'that the vessels of the United States are not comprised in the regulations of the decree of the ninth of May.' In communicating this gratifying declaration to Mr Morris, the French minister for foreign affairs, le Brun, observed, 'You will there find a new confirmation of the principles, from which the French people will *never depart*, with regard to their good friends and allies, the United States of America.' This letter of le Brun's was dated May 26th; and on the 28th of May, the declaration communicated in it was *revoked* by the National Convention! Such was the levity of that atrocious assemblage. The truth was, the owners of a French privateer, having captured a very valuable American ship, the Laurens, bribed the leaders of the Convention to rescind, on the twentyeighth, the declaration which they had made on the twentythird, and which the minister of foreign affairs had communicated to Mr Morris, on the 26th of May. So little disguise was necessary in these affairs, that the owners of the privateer boasted beforehand, that the declaration of May 23d would be rescinded.

Mr Morris again remonstrated and with success. On the first of July the Convention revoked their last order, and again liberated the commerce of the United States, from the operation of the original decree of May 9th; and this revocation was declared to be made, in conformity with the provisions of the treaty of 1778. M. Desforgues, who had succeeded le Brun, as minister for foreign affairs, in communicating this revocation to Mr Morris, observes, 'I am very happy in being able to give you this new proof of the paternal sentiments of the French people for their allies, and of their determination to maintain, to the utmost of their power, the treaties subsisting between the two republics.' In twentyseven days this last decree was repealed. We would here

* See the decree at large, in Wait's State Papers, III, 42.

notice an oversight of the Committee, who made the report of April, 1802. They state, that 'the decree of May 9th, after having been several times repealed and reenacted, was finally repealed on the 27th of July following.' Far otherwise. The decree of May 9th, after having been twice revoked, was finally restored, in its application to American vessels, July 27th, in permanent violation of the twentythird article of the treaty of 1778. The only relaxation made, was the exemption from capture of American vessels, bound with provisions to an enemy's ports.

In the course of the years 1793 and 1794, a new source of injury arose, in a long and distressing embargo at Bordeaux. A list of one hundred and three American vessels detained under this embargo, to the incalculable detriment of the property embarked in them, was drawn up by Mr Skipwith, on the 20th of November, 1795. As the claims for indemnity, for losses sustained by this embargo, formed a portion of those provided for by the Louisiana Convention, no further account of them would be here in place.

The number of American vessels seized and sent into France, under the decree of May 9th, 1793, or detained by the embargo, or in other ways, was so great, that Mr Monroe, who succeeded Mr Morris, was led to constitute Mr Skipwith a general agent, for collecting and presenting them to himself and the French government. In the performance of this duty, an amount of injury and outrage inflicted by France, on our commercial interests, was disclosed, which can now scarcely be credited. Mr Skipwith drew up a report, bearing date October, 1794, and addressed to Mr Monroe. After observing, that he has not as yet received from the consuls all the documents, necessary for presenting a full view of these injuries and outrages, he adds, 'from the communication, however, already received from the different ports, and from the information I have collected from the captains present, I can assure you there are near three hundred sail of American vessels, now in the ports of France, all of whom have suffered, or are suffering, more or less delay and difficulties, of which the examples annexed will afford you a general view.'

Mr Skipwith then proceeds to enumerate and classify the modes and forms of the oppressive treatment, imposed upon the Americans, and names first,

'The capture *indiscriminately* of our vessels at sea, by the vessels of war of the republic.'

A copy of this report, accompanied with documents illustrative of its statements, was laid before the French government, and produced a joint decree of the committees of public safety, finance, commerce, and supplies, dated November 15th, 1794. This decree* revived and declared in force that of July 27th, 1793, above mentioned; it declared, that the principle of 'free ships free goods' should not be recognised in favor of the goods of any enemy, by whom it was not also recognised. It provided for the compensation of losses sustained by neutral vessels, in consequence of the embargo at Bordeaux, and for the payment of supplies furnished by Americans to St Domingo. The satisfaction yielded under these two last heads was partial, inadequate, and attended with great delay, while the provisions of the decree perpetuated some of the most serious violations of the treaty of 1778. This being the subject of continued and persevering complaints, made on behalf of our merchants, on the 4th of January, 1795, the committee of public safety repealed those parts of the decree of November preceding, which violated the treaty of alliance. The leaders in France, at this time, appear to have felt a wish to conciliate America, and such were the advices from our minister there, that General Washington, in his message to Congress, February 28th, 1795,† makes the following statement. 'Our minister near the French republic has urged compensation for the injuries, which our commerce has sustained from captures by French cruisers, from the nonfulfilment of the contracts of the agents of that republic with our citizens, and for the embargo at Bordeaux. He has also pressed an allowance for the money voted by Congress, for relieving the inhabitants of St Domingo. It affords me the highest pleasure to inform Congress, that perfect harmony reigns between the two republics; *and that those claims are in a train of being discussed with candor, and of being amicably adjusted.*'

In fact, as we have observed, the republic, at this time, seems to have been disposed to act with justice. Mr Skip-

* It may be found in State Papers, III, 53.

† Wait's State Papers, X, 402.

with was incessantly employed in prosecuting the various classes of claims, and large sums of money were actually paid, partly in specie, and partly in *assignats*, to our ship-masters and merchants.* Had the sums of money, thus appropriated, been promptly applied to a liquidation of each case of injury as it accrued, it is not impossible that they might have covered no small portion of what was due. The cruel delays, the subsequent destruction of perishable cargoes, the rotting of vessels at the wharves, the rapid depreciation of paper, produced the unfortunate result of a large provision made by the French, with very little benefit to the claimants.

The friendly disposition of the French government invariably fluctuated, with their political prospects. The success of Bonaparte in Italy, raised the crest of the conquering republic, and in the course of the year 1796, the old causes of complaint were revived, and new ones added. On the 2d of July, 1796, the favorable decree of January, 1795, was repealed by a new decree of the following purport, 'that all neutral or allied powers shall without delay be notified, that the flag of the French republic will treat neutral vessels, either as to confiscation, as to searches, or captures, in the same manner as they shall suffer the English to treat them.' Under color of this decree, the most wide spread devastation was let loose upon our commerce.

The subordinate agents of the Directory were forward to emulate the example of the government at home. On the 1st of August, 1796, Victor Hugues and Lebas, special agents of the Directory to the Windward Islands, made a decree, that all vessels loaded with contraband articles, were liable to seizure and condemnation, without making any discrimination in favor of those which might be bound to neutral, and even to French ports. The manner in which this and other similar decrees were enforced, was, if possible, more oppressive, than the decrees themselves. All legal forms were disregarded, and the mode of proceeding was reduced to the exercise of brute force. One example may suffice. The Patty sailed from New London on the 31st July, 1795, (of course before the decree last mentioned was made in the

* The document marked D, State Papers, III, 56, will sufficiently illustrate this remark.

West Indies, to say nothing of being known in America,) bound to St Barts. On the 2d of September, the vessel was captured by a French cruiser, and carried into Guadaloupe. The captain was taken before Victor Hugues, whose first words, accompanied by his fist thrust into the captain's face, were, 'I have confiscated your vessel and cargo, you —— rascal.' Three days after, the captain inquired of Victor Hugues when his vessel and cargo would be tried; and the answer was, they had already been tried, and the captain might go about his business. The captain afterwards received a certificate of his trial and condemnation; but in many cases even this poor favor was insultingly refused; and our unfortunate ship masters, ignorant of the language, without friends, beset by the harpies of office, stripped even to their clothes, and often personally assaulted, were left to beg their way to some neutral island, before they could even make their protest.

These crying insults seemed to grow into a sort of pastime, with the petty tyrants of the day. On the 27th of November, the same year, another decree was passed by a new set of commissioners to the Windward Islands, which ought to be quoted entire.

'The Commission resolves, that the captains of French national vessels and privateers, are authorised to stop and bring into the ports of the colony, American vessels bound to English ports, or coming from the said ports.'

'The vessels, which are already taken, or shall be hereafter, shall remain in the ports of the colony, till it shall be otherwise ordered.

'At the Cape, the 7th Frimaire, in the fifth year of the French republic, one and indivisible.'

'Signed on the record of the procès verbal; Leblane, president; Santhonax, Raimond, commissioners; Pascal, secretary general.'*

This most extraordinary violence was not confined to the petty tribunal, from which the decree in question was issued. Captures were made by the French privateers, in Europe, on the ground that all American vessels coming from, or bound to England, were good prize, and the French consul at Cadiz avowed his determination to condemn them, appealing to the decree of the Directory of July 2d, 1796, for his warrant.

* State Papers, III, 55.

On the 5th of February, 1797, another decree of Hugues and Lebas authorised the capture of all neutral vessels, destined to any of the Windward or Leeward Islands, in America, which had been delivered up to the English, and occupied or defended by emigrants, viz; Martinique, St Lucie, Tobago, Demarara, Berbice, and Essequibo, for the windward isles; and Port au Prince, St Marc, L'Archaye, and Jeremie, for the leeward. All vessels sailing to and from any of the islands, are, with their cargoes, declared good prize by this decree, as well as all vessels, 'which shall have cleared out under the *vague* denomination of the *West Indies*.'*

On the 2d of March, 1797, the Directory issued a decree, prefaced by a laborious preamble, in which almost all the previous oppressive regulations were reenacted, and new and exceedingly injurious ones added, especially that notorious one relative to the *Role d' Equipage*, which swept so much of the remnant of our commerce from the seas. This decree formally declared, that the treaty of 1778 should be modified, in conformity with the provisions of Jay's treaty with England; in other words, that, in some of its most characteristic features, it should be annulled.

The manner in which this, as well as all the other decrees, was enforced, added much to its severity. It was not merely applied from the date of its publication, but a retrospective action was given to it, against American ships, which had previously, on any other pretence, or no pretence, been sent into France. The number of vessels captured, under this last decree, was very great. Between August, 1796, and June, 1797, according to a list prepared for the Philadelphia Gazette, and probably not containing all the cases, three hundred and eight American vessels suffered under the illegal decrees of the French; the greater part of them after that of March 2d was issued. Not content with the comprehensive terms of the decrees, the French officers and agents subjected the captains and seamen to personal violence, in order to extort from them, by extreme pain, testimony that would condemn their vessels. Mr Rufus King, then, as now, our minister to London, in a letter bearing date April 19th, 1797, mentions the case of Captain Martin, of the Cincinnatus of

* See the Decree; State Papers, III, 32.

Baltimore, who was taken on board the French cruiser that had captured his ship, 'and tortured for more than three hours,' to induce him to make such declarations, concerning his ship and cargo, as would procure their condemnation. 'Captain Martin's thumbs,' adds Mr King, 'which I examined, bear the marks of the screws, and the scars will go with him to his grave.'

In the decrees, of which we have now enumerated the chief, and in captures, seizures, and spoliations, committed by the French cruisers on American vessels indiscriminately, without the authority even of these decrees, such as it was, originate the claims we are now considering. They formed, of course, a standing subject of reclamation and of complaint, on the part of our successive Ministers to France, Mr Morris, and Mr Monroe; and they were to have been pressed by General Pinckney, had he been received by that government as Mr Monroe's successor. On the failure of his separate embassy, a commission of three envoys, Messrs Pinckney, Marshall, and Gerry, was sent to France; but, as is well known, this commission was not received by the Directory. The subject of the claims of our citizens on France, of every description, was particularly treated in their instructions; and after an enumeration of these claims, in their general nature and quality, it is observed in the instructions as follows; 'Although the reparation for losses sustained by citizens of the United States, in consequence of irregular or illegal captures or condemnations, or forcible seizures or detentions, is of very high importance, and is to be pressed with the greatest earnestness, yet it is not to be insisted upon as an indispensable condition of the proposed treaty. You are not, however, to renounce these claims of our citizens, *nor to stipulate that they be assumed by the United States, as a loan to the French Government.*' This last clause referred to a proposal, already made by France to our government, and repeated in one of the unofficial communications of the emissaries of Talleyrand with our envoys, that the United States should assume this debt as a loan to France.*

During their residence in France, though not received by the Directory in an official character, our envoys addressed

* State Papers, IV. 12.

a most able memorial to the French minister, in which they divide the American claims into two classes. The first consists of such, as are uncontroverted by the French Government, and are substantially those provided for by the Louisiana Convention. After enumerating the varieties of claims in this class, our envoys add, that 'they pass to complaints still more important for their amount, more interesting for their nature, and more serious in their consequences,' viz. the spoliations under the various decrees of the French Government, issued in violation of the treaty of 1778, and of the law of nations. It is worthy of particular notice that, under the head of claims uncontroverted by France, are those for captures under the decree of May 9, 1793.

In a conversation between Talleyrand and our envoys, detailed in the journal of the latter,* the French minister endeavored to induce our envoys to assume the claims of our citizens, as a loan to France, remarking that they 'had claims on the French Government for property taken from American citizens. *Some of those claims are probably just.*' In the negotiation of Talleyrand with Mr Gerry, after the departure of the other ministers, a negotiation which may be called official, the French minister thus expressed himself. With respect to 'the claims of American citizens on the French republic, if the latter should not be able to pay them when adjusted, and the United States would assume and pay them, France would reimburse the amount thereof;'† and, in this proposal, Mr Gerry expresses the opinion, that Talleyrand was sincere.

The manner in which the embassy of the three envoys terminated, and the appointment of another, the following year, are too familiar to be dwelt upon. The instructions to the second commission, consisting of Messrs Murray, Ellsworth, and Davie, have not been made public. They form a part of the papers, whose communication was asked by the Senate and House, at the close of the first Session of the eighteenth Congress, and then delayed on account of their voluminousness. As the state of things, with respect to the claims, was not at all changed, since the instructions of Messrs Pinckney, Marshall, and Gerry were drawn up, it is highly probable

* State Papers, IV. 89. † State Papers, IV. 160.

that the same instructions were given to Messrs Murray, Davie, and Ellsworth; that they were directed to press the claim as of high importance, by no means to renounce it, but not to make it a *sine qua non* condition of the treaty to be negotiated.

The new American Commission found a new government in France. The result of the negotiations of our envoys was the Convention of 1800. The second article of that Convention is in the following terms; 'The Ministers Plenipotentiary of the two parties, not being able to agree, *at present*, respecting the treaty of alliance of 1778, and the treaty of amity and commerce, of the same date, and the Convention of November, 1788, nor upon the indemnities mutually due or claimed; the parties will negotiate further on these subjects, at a convenient time, and until they may have agreed upon these points, the said treaties and Convention shall have no operation.'

The fifth article provides for a liquidation of debts between the two countries, as if no misunderstanding had happened; but this provision was not to extend to indemnities claimed for captures and confiscations.

The Convention was sent to the United States, and ratified in the Senate, with the exception of the second article, which provided for further negotiation on the indemnities mutually claimed or due.

In this form the Convention was returned to France, and Mr Murray was immediately interrogated by the French Government, as to the motives of the American senate in expunging the second article. As Mr Murray's correspondence has not been officially communicated, his statements to the French Government, on this subject, are not certainly known. He is understood, however, to have accounted for the expunging of the second article, from the wish of the Senate to preclude any future standing subject of contention between the two governments, such as a reserved negotiation of this kind would be. The French Government are supposed to have stated, that a simple omission of the article, unaccompanied by a mutual renunciation, would operate to their prejudice. The claims of France on America rested on the provisions of the treaty of 1778, and the Consular Convention of 1788. These treaties ceasing to exist, France

would lose all claim on America; whereas the American claims having a basis, not only in the treaty, but in the law of nations, would still lie against France. To avoid this disadvantageous result, the French Government is understood to have proposed this alternative; either to omit the second article, accompanying the omission with a mutual renunciation, or to abandon the Convention entirely, and to leave the treaty of 1778 in force. Our minister accepted the former part of the alternative, and the treaty was ratified by Bonaparte, as First Consul, omitting the second article, with a note attached, declaring that this omission was considered by the parties, as a mutual renunciation of their claims. The Convention came back to the United States with this conditional ratification, and on the 19th of December, 1801, the Senate resolved, 'that they considered the same Convention as fully ratified.'

With respect to the claims of France on America, which are brought forward as an offset to the claims of America on France, a full idea of them cannot be obtained, without perusing, in the State Papers, the correspondence between the several Ministers of the French Republic in America, with our government here; the Reports made by the American Secretary of State upon this point; the correspondence of the American Secretary with General Pinckney, and the memoir addressed by Messrs Pinckney, Marshall, and Gerry to Talleyrand. The two gravest matters in controversy, however, can be specified in a word, the guaranty of the French possessions in the West Indies, and of aid to be rendered France by America in defensive wars; stipulated by the treaty of 1778, and the privileges claimed by France for her consuls, under the Consular Convention of 1788. By the guaranty, America was unquestionably bound to France, to an extent indefinite and uncertain, but calculated to be very onerous. The extent of this obligation may be partly estimated, from that clause in the instructions of our government to Messrs Pinckney, Marshall, and Gerry, which authorised them to propose to the French Government, in time of war, an annual subsidy of two hundred thousand dollars, in lieu of a specific fulfilment of the guaranty. Considering this as the voluntary offer of our government, and also bearing in mind the odious nature of a subsidy in the estimation

of a people like the American, it is easy to infer that this treaty of 1778, was regarded as a very heavy burden by our statesmen. The editor of the edition of the Laws of the United States, whose exact acquaintance with our political history is apparent throughout the work, in a note subjoined to the Convention of 1803, after sketching the history of our relations with France, adds, 'by that Convention, (of 1801,) among other things, the United States were exonerated from the weighty responsibility imposed, by the treaty of alliance of 1778, of a guarantee of the French possessions in America.'

Such, therefore, was the mutual renunciation, on the part of the United States and France. The latter renounced her claim upon the United States, for the fulfilment of the stipulations of the treaty of alliance, and for indemnity for injuries alleged to be sustained by France, from the failure of the United States of America to fulfil those stipulations, and also from the alleged inexecution of the Consular Convention of 1788. The United States renounced the claims of her citizens, for spoliations and injuries, under various decrees of the French Government, issued in violation of the treaty of 1778, and of the law of nations.

We shall now pursue briefly the history of the manner in which the citizens of the United States, whose claims were renounced by their own government, in consideration of a great national and political object, have sought relief and indemnity.

The year after this Convention was ratified, viz. in 1802, sundry citizens and claimants, whose rights were affected by it, applied to Congress for relief. Their memorials were referred to a committee, who made an elaborate report, consisting chiefly of an enumeration of the violent and illegal decrees of the French; of the measures adopted by our government to procure or enforce redress; and of the negotiation of the Convention of 1800. After going through this historical detail, the report of the committee closes with the following paragraph,—

'It appears, that the exclusion of the second article of the Convention was considered as a renunciation of the indemnities, claimed by the citizens of the United States of America, for spoliations and depredations upon their commerce, so far as the government might

otherwise have been instrumental in obtaining such indemnities. Upon the whole view of the case, the committee submit it to the House to determine, whether the government of the United States be, in any respect, bound to indemnify the memorialists; and whether there be any ground for discrimination between the cases of losses sustained before the Acts of 28th of May, 1798, the 7th of July, 1798, and the 9th of July, 1798, and cases of losses sustained after those periods.'

The acts of Congress here alluded to, are those authorising the capture of French vessels of war hovering on our coasts, and repealing the treaty of alliance of 1778. Their bearing on this question will presently be the subject of a few remarks.

It will be perceived, from the paragraph we have cited from the report of the committee, and which is the only portion of the report from which the judgment of the committee could be inferred, that the fact of the renunciation of these claims, by our government, is admitted. The committee add the qualification, 'so far as the government might have been instrumental in obtaining such indemnities.' But there is nothing, that we can perceive, in the facts of the case, to authorise this qualification. The renunciation is unlimited and unconditional. Our government renounced not only its own right to prosecute the claims, but the right of the citizens to prosecute them, on their own account. This report of the committee came before the House, was several times discussed, but never acted upon finally. Efforts were made to procure a resolution, providing for the indemnification of the claimants, and it is understood that the divisions of the House, on this question, were in a considerable degree in accordance with the grand political division of the parties. This was the unavoidable result of the state of political controversy in the nation. The late administration had gone out of power, under the stigma of attachment to England, and hostility to France. The claimants, in their declaration, were obliged to set forth and urge the aggressions of France, and this course of proceeding connected itself too directly with the general questions between the parties, not to produce a strong prejudice against the claim.

In the year 1807, the question was again brought forward by memorials from sundry claimants. These memorials

were referred to a committee of the House, whose brief report was decidedly in favor of the claimants. After referring to the report of the committee of 1802, the committee in 1807 proceed;

'From a mature consideration of the subject, and from the best judgment your committee have been able to form on the case, they are of opinion, that this government, by expunging the second article of our Convention with France, of the 30th of September, 1800, became bound to indemnify the memorialists for those just claims, which they otherwise would rightfully have had on the government of France, for the spoliations committed on their commerce, by the illegal captures made by the cruisers and other armed vessels of that power, in violation of the laws of nations, and breach of treaties then existing between the nations, which claims they were, by the rejection of the said article of the Convention, forever barred from preferring to the government of France for compensation.'

'Your committee beg leave to decline giving an opinion on the precise time, when those claims ought to be commenced, or on the period for captures, after which the memorialists would not have been entitled to compensation from France, and of course cannot be entitled to indemnity from the United States.'

No relief to the claimants resulted from this report. The subject was revived in 1818, and as the act, by which the claimants were deprived of whatever remedy they could have had of the French government, was performed with the concurrence of the Senate, in the exercise of the treaty making power, memorials from Portsmouth, Philadelphia, Baltimore, and Charleston, were addressed to the Senate of the United States, and by them referred to the committee of claims, by whom an unfavorable report was made.

In 1822 an application was made by a few merchants of Baltimore, who addressed their memorial to the House of Representatives, in which body it was referred to the committee of foreign affairs. They reported against the claim, partly on general grounds, and partly on circumstances peculiar to the application in question.

Here it is possible all prosecution of the claims would have ceased, but for two considerations, calculated to stimulate the hopes, and to heighten the sense of wrong of the claimants. One of these considerations respected the *denouement* of the great tragedy of the French Revolution. It had always been

objected to these claims, that in renouncing them, the government of the United States renounced nothing of value. That the claim was worth nothing, because France would not have paid it; because, after a long and earnest negotiation, all that our commissioners could procure was a consent, on the part of the French, to negotiate further. While Bonaparte or his dynasty subsisted, this language was plausible, and every year rendered it more plausible. But an astonishing revolution had occurred; his throne was prostrated; and the ancient dynasty was restored, by the combined powers of Europe, under a pledge compulsory, if not voluntary, to pay the debts of France. Under this circumstance, claims of old and forgotten obligation revived, as from the dead. The losses of English travellers, in the most lawless periods of the Revolution, the losses sustained by payments in *assignats*, the nameless and numberless encroachments on property, which signalised that stormy and perplexed crisis in Europe, were all now sternly forced into the account to be liquidated. They had been liquidated and paid. Our citizens alone could not come, and thrust the sickle into this waving yellow harvest of indemnity; their claim had been renounced by their own government. Farther, the government of the United States very properly seized this moment to bring forward the claims for losses, under the continental system of Napoleon. These claims were, and still are, pressed upon France. They must, they will be liquidated. But the claimants under the old system of plunder and spoliation cannot come in; their government has renounced their claim.

To strengthen the feelings which this contrast excited, the Florida treaty had just been negotiated. The claimants for French spoliations had already seen themselves shut out from the provisions of the Louisiana treaty. They had seen a class of claims, certainly not so binding on the national honor to assert, provided for out of the purchase money of that western world. This postponement of their rights was now repeated upon them. By the Florida treaty, an indemnity was provided for claims, many of them as old as theirs, and few more pressing, and which had as long been prosecuted without hope, and against hope.

These facts produced no little sensation throughout the country, among those interested; and about fifty memorials,

in the Session of 1823, 4, were presented to the Senate of the United States. A step was thereupon taken by this body, which is certainly preliminary to a fair discussion of the subject in Congress, in all its bearings. A call was unanimously made on the President, for all the official papers bearing upon the case. Pending the result of this call, a few memorials were prematurely presented to the House of Representatives, and by them referred to the committee of foreign relations. Considering the train in which things were placed, this was an unfortunate occurrence for the claimants, and doubtless had its origin only in inadvertence. An unfavorable report was made by the committee of foreign relations; but the decision upon it gave way to a resolution for a call, similar to that which had already been made by the Senate.

The lateness of the period at which these calls were made, and the great quantity of papers embraced in it, led to a report of the then Secretary of State, in the month of May, 1824, that the communication of the papers asked for, must be delayed till the following Session. The following Session, that of the presidential canvas, passed off without a renewal of the call; and it remains for the succeeding Congress to pursue the subject, as they shall think expedient. It is not impossible, that such new lights will be thrown upon the subject, by the communication of the papers alluded to, before these remarks are published, as to destroy the little interest they might otherwise possess. Inasmuch, however, as a great mass of documents may possibly come before Congress, we have thought that an analysis of the claim, such as we have now given, would, in any event, not be without its value. We now proceed to examine a few of the arguments, by which these claims have been resisted, by three out of five of the committees to which they have been referred.

The first, and perhaps the most formidable, is, that the United States, after negotiating with France, among other things, on indemnity for these claims, as long as negotiation was of any avail, but entirely without success, resorted to war as the remedy. When such a proposition is advanced, the acts of Congress of 1798 are considered as creating a state of war, and the captures made by our armed ships as acts of war. This, however, can only be admitted in popular language. Strictly speaking, a state of war did not exist.

No declaration of war, the only instrument by which a state of war can be formally constituted, was made, either by the United States or France. No authority to make reprisals was given to our citizens, a mode by which a state of war is sometimes indirectly brought on. This is a circumstance of great moment in this argument, because it was by reprisals, that the suffering merchants might have had the opportunity of indemnifying themselves. No captures of merchant vessels were made by our armed ships, and none were authorised to be made. What then was done? Authority was given to capture the *armed* vessels of France, that might be hovering on our coast, that had committed, or were likely to commit, violations on our commerce; and to recapture our vessels, which had been seized by the French. On the part of the French, not even these measures were retaliated. They had probably never intended to drive us to war; and at this moment the Directory felt weak. They embargoed our ships, but issued no orders for acts of hostility, either on our armed or unarmed vessels. After a few months they went further, and ordered such intimations to be given to Mr Murray, our minister in Holland, as led to the despatch of the second commission, Messrs Murray, Ellsworth, and Davie, by whom a convention, not a treaty, was negotiated.

The mode, in which the affair was prosecuted, shows that peace was considered as not interrupted; the treaty of alliance of 1778 was recognised as still in existence; the French national vessels captured were restored, and those which we had destroyed, or otherwise disposed of, were paid for. It is true the treaty of 1778 had been formally repealed, or declared not to exist, by an act of Congress. But most of the claims of our merchants rest not on infractions of that treaty, but of the law of nations. The act of Congress could effect nothing against claims already existing, and this is by far the greater part of those in question. Besides, it may well be a question, how far Congress can, by a direct act of legislative power, annul a treaty so as to affect obligations arising under it. At all events, the negotiations recognised no such effect in this act of Congress; they regarded the treaties, both of 1778 and 1788, as in existence, till abrogated by the convention of 1801. In fact, the whole negotiation of the convention

proceeds on the ground, that though misunderstandings had arisen, a state of peace had never ceased to exist.

The other chief argument against the claim is, that, though the government renounced it, they renounced it only to the extent in which indemnity could have been obtained from France; and as any indemnity was hopeless, at the time the treaty was made, our government did no injury to our citizens by this renunciation. This argument appears to us abundantly objectionable, both in principle and in fact.

It is objectionable in its principle, which is, that the government has a right to take the property of the citizen, simply because it takes but a small amount. The value of these claims, at that moment, might have been small; but they were still the property of the citizen. The indemnity due was a *chose in action*, of which the assignable value might be differently estimated by different persons, and rated high by none; still, however, the claimants had a right to it themselves; and if the government, for political objects, chose to divest them of this right, it is bound to make them a recompense.

To this it may be rejoined,—granted, but this recompense must be measured by the value of the thing sacrificed; that value was null; therefore the recompense must be nominal. This course of argument, however, is still more objectionable than the preceding. The value of a claim on the government of a civilised country, a permanent debtor, not exposed to the fluctuations of private fortunes, a debtor which, if unprosperous this generation, may prosper the next, and if now administered by an unjust military power, may soon be administered by rulers professing to be actuated by justice; the value of a claim on such a government is not to be estimated at its zero, because at some particular moment it happens to be worth nothing. The claim in question must be estimated according to the probability that France, in the long run, will pay its just debts. If the government of our country, therefore, sacrifices the claims of its citizens, without any compromise with them as to their indemnity, it assumes, in honor and justice, the whole debt.

This is peculiarly true, when it is considered that the value of the claim depends almost wholly on the government itself. If the government shows a disposition to abandon it, and to

tolerate its nonpayment by the foreign government, the value of the claim will, by this policy, sink to nothing. But will it be honorable, when this is done, for the government, after renouncing this claim, to withhold all indemnity from our citizens, and say, it is true we sacrificed your claims, but they were worth nothing to you, and we owe you no recompense? Might not the claimants justly reply; it is true, at that moment our claim was worth little, but it was you who sunk its value. Had you thought proper to engraft it on the everduring youth of the republic; had you told the French First Consul, that you would never renounce it, the rather as it was incurred under circumstances intimately affecting the American honor; that though you could not now enforce it against his colossal power, you would lay it up in your archives, to be reproduced when the arm of America should grow strong enough, to be lifted up with effect against the injustice of Europe, and still better, till France, the metropolitan region of civilisation, should again be governed by the principles of national justice; had you held this language, our claim would not have been worthless. But to sink the value of our property, and then tell us it is nothing worth; what is it but to act over on a large national scale, that detestable villany of our bankrupt monied corporations, who buy up at a discount their own worthless rags?

But we deny that the argument in question is sound in fact. We deny that the claim was worthless. Had it not been renounced, it would have stood on the same footing as the claims of our citizens against France, for losses sustained under the continental system of Napoleon, and the decrees enforcing it. Are they worthless? Is that claim good for nothing, which our government, by the instrumentality of Mr Gallatin, and other able negotiators, has declared to be founded in justice, and one which it is incumbent on France to pay? Is the property of our citizens, after the government of the country has formally taken the protection of it into its own hands, not worth anything? For ourselves, we should be sorry to say, that even in the hands of individual citizens, a claim on the justice of a government, like that of France, is worth nothing. But when our government has taken it up, and has instructed its ministers to assert its justice, then to say that it is worth nothing, is to say that our govern-

ment either cannot, or will not, procure its citizens justice. For ourselves, we believe that it both can and will, and we have no doubt the course it is pursuing will ultimately succeed. The French ministry have professed a willingness to examine the claim, and to settle an account with this country. They have indeed endeavored to clog the subject, by connecting it with absurd pretensions to privileges at New Orleans. But they have not shut their ears totally against it; it must, it will be recovered. But for the renunciation by the Convention of 1801, the claims in question would have formed a part of the general claim against France; for no one will say, that the present government of the country is not bound as much to make compensation for one, as for the other. The claim is against France; and France is as much accountable for the acts of her rulers from 1793 to 1800, as from 1805 to 1814.

Again, the claim was valuable, considered as a part of one large claim, a portion of which was actually, in two years, provided for. Up to 1800, no discrimination had been drawn between the different grounds, on which our citizens laid claim to indemnity. The merchant, whose property had been seized under an illegal decree of the National Convention, of the Directory, or of the special agents for the Windward Isles, was considered to have as good a claim on France, and to the aid of his own government in enforcing it, as the citizen whose vessel had been embargoed at Bordeaux, or who had made a contract with the French government for supplies, for which payment was withheld. The only difference in the cases was one strongly in favor of the former claim. The American citizen, who voluntarily makes a contract with a foreign government, has no claim on his own to go to war to protect him. But the citizen, who, lawfully pursuing his commerce on the high seas, is, in violation of the faith of treaties, and of the law of nations, arrested by the cruisers of a foreign power, acting under decrees as offensive to our national honor, as they are oppressive to private rights, is entitled to the national protection; his claim is strongest, by all the obligation which the government of the country has, to vindicate its honor and the inviolability of its flag. Accordingly, Messrs Pinckney, Marshall, and Gerry, after recapitulating the claims of a private nature, pass to those for

spoliations, as of far greater importance. And yet by the Convention of 1800, the claims for spoliations were renounced, and the private claims reserved; and, by the Louisiana Convention, provision was made for the payment of the latter. Now, could not the claimants for spoliations reasonably insist, that while the private claims were so valuable, the public ones, those for whose payment the honor of our government was concerned as much as that of France, should never be abandoned, nor sacrificed without an equivalent? Was it not reasonable, that if France had been brought to pay one part, she would sooner or later pay the other? And do we ascribe a becoming language to our government, when we represent it as saying to the claimants for spoliations, 'We have insisted, that the private debts of the French Government to our citizens shall be paid, but for the losses sustained under decrees affecting our national rights and sovereignty, we can and will do nothing for you.'

Again, let us consider the case of the Spanish claims. Who, in 1800, would have thought of preferring the Spanish claim to the French? Supposing their foundation in justice to be equally good, which no one will controvert, who would not have sooner expected justice from France than Spain; or rather, considering the relations of the two countries with each other, who would have expected any better result than that, whenever France should pay us, Spain would imitate the example? But yet, in the course of events, the Spanish claim has proved good; our government kept a protecting hand upon it, and in the end has succeeded in negotiating a treaty, by which it secured not only an ample indemnity to the claimants, but a great national object, second only in importance to the acquisition of Louisiana. With what reason then can it be urged, that a claim on France was worthless, when one on Spain has been liquidated almost at par?

It will be replied, perhaps, that the claim on Spain was always good, because there were vast Spanish possessions on our southern and south-western boundary; all Florida and Louisiana; out of which we might, in the last resort, take our indemnity, if we could get it in no other way; while France had no possession on which we could lay our hand. This, however, is arguing only from the position of things at the moment, without taking into view the astonishing mutabi-

lity of human affairs. It needs not be said, that to the eye of the statesman, no important political step would ever be contemplated, on the assumption that France had no territory in our vicinity. The monuments of French power and enterprise which encircle us, as with a belt, from Nova Scotia to New Orleans, would present themselves to his mind, and warn him that what had been might again be; while the shifting spectacle of every part of the world would confirm the truth, that nothing is more familiar in the political system, than a change of sovereignty in colonial possessions. How, in fact, can a suggestion now be plausibly made, that this claim was worthless, because France had no adjacent territories, which we could appropriate to ourselves, when it is considered that the very day after the Convention of 1800 was signed, France actually became possessed of territory on the American continent, more than equal to the whole of the United States, and that she was ready to cede this territory, and did cede it, on favorable conditions to us? No one can believe, that if the claim for spoliations had not been renounced, it would not, as well as the claim for private debts on France, have been compromised at the time of the Louisiana purchase. And it is equally apparent, that this immense, and, to the United States, all important territory, would have been abundantly valuable enough to furnish the means of the compromise.

Farther, that it can with no justice be said the claim was worthless, may be argued from the estimation in which it was held by our government, and by the French Government. Our government instructed its ministers not to renounce it; and these ministers estimated it at fifteen millions. The French offset this claim against all their claims on this country. It is necessary only to cast an eye over the correspondence of the French ministers to this country, to see that they regarded their claims as very important, and yet they offset them against the claim of our citizens for spoliations. We have already said, that our ministers were instructed to propose to France a subsidy of two hundred thousand dollars, in acquittal of one part of the obligations, which the treaty of alliance of 1778 imposed upon us. It is a fact, that may assist us to estimate the value of the claim, that the two governments agreed to offset it against all the French claims

on us, one single article of which, viz. the fulfilment of a part of the stipulations of the treaty of alliance, was estimated by our government, as worth a subsidy of two hundred thousand dollars per annum. This being the estimate of the paying party, it may well be supposed that France, the receiving party, would have estimated it much higher.

The truth is, if it be allowed that the claims mutually offsetting each other were of equal value, the claim of our citizens, so far from being worthless, was of immense importance. It would have been impossible to negotiate a Convention with France, on the basis of the old treaty. So much was the state of the world changed since 1778, that the old treaty could not have been enforced strictly, without dragging us into a war with England; nor could that treaty have been left in the situation in which it was placed by the acts of Congress of 1798, without bringing on a real war with Napoleon. A war with Napoleon, at that time, would have been, in human probability, most injurious to this country. It would have yoked us in a disastrous alliance with England, would have prevented our acquisition of Louisiana, and probably thrown it into the possession of the British. Now, there seems no possible way in which the claims of the French, to the permanent enjoyment of the advantages of the treaty of 1778, could have been compromised, but by this pecuniary arrangement. The French agreed to accept a renunciation of a claim on them, estimated at fifteen millions. Our government, wisely as we think, chose to purchase at this rate a fair and honorable settlement of our difficulties with France, with which country, in consequence of the antigallican spirit of a part of our own rulers, and the violence and injustice of those of France, our relations had become in the highest degree embarassed. How then can it be said, that the claim, whose renunciation was the basis of so happy a compromise, was of no value? It was of all the value, that peace with France was to the country.

It may be intimated, that our government would not have renounced it, had it been a valuable claim; to which we reply, that, however valuable, they would be still authorised to renounce it for an equivalent; which we have just shown they obtained. Moreover, we all know, not only that the government of our country esteemed the claim valuable, but

the value they placed upon it is known from the instructions to our envoys. It is true, it may justly be argued, that, if the claims were valuable, the government would not have renounced it, without designing to make compensation to the claimants. We may add, they could not constitutionally renounce it, without such intention; for in one of the amendments to the Constitution, which form the conditions, on which a large portion of the people of these United States accepted that instrument, it is provided, that 'private property shall not be taken for public use, without compensation.'

It is our firm belief, that the government of our country intended to make compensation. Motions to that effect were very early brought into Congress; they were supported by as large a number of its members, as could have been expected before the question had been agitated, and the claims urged. Meantime the Louisiana treaty came on, and there is much reason to think, that it was the intention of Mr Jefferson, to make the acquisition of that region the means of indemnifying our citizens, whose property had been renounced. No provision to this effect could have been introduced into the Louisiana Convention, because, as between France and us, the claim had ceased to exist. But Chancellor Livingston, who negotiated the purchase of Louisiana, expressly writes to our commissioners under it, Messrs Mc Clure, Mercer, and Barnet, that such part of the private claims on France, as the twenty millions of francs appropriated should fail to cover, must be paid by the United States. In like manner, we have no doubt, our government expected, that recompense should be made by the nation to those claimants for spoliations, whose just demands on the French Government had been renounced for the public service.

The low price at which Louisiana was bought, would have well enabled our government to raise a fund out of it for such a purpose. The purchase money was but seven and a half cents an acre, estimating the quantity of land acquired at two hundred million acres,* which is a low estimate, and the price of the land at fifteen millions of dollars.

* Seybert's Statistics.

The whole of Louisiana cost but three times as much, as was paid to quiet the various Mississippi Land Company claimants, or to purchase Florida. And what, in one word, may show the smallness of the sum of money that was paid for it, we need only add, that the poor negroes of St Domingo, to quiet the claims of the ancient proprietors, have paid thirty millions of dollars for the French part of that island, twice as much as the purchase money of Louisiana. It is, however, wrong to attempt, by a comparison of dollars and cents, to estimate the value of Louisiana to the Union; its acquisition is among the most important incidents in the history of the world; the silent peaceful extension, to half a continent, of the blessings of republican liberty. Nor does it admit a doubt, that our government, in making this purchase so low, designed that it should form a fund for the indemnification of those of its citizens, whose claims on France had in the general settlement been renounced.

It would not be difficult to point out, in the history of our politics, both foreign and domestic, the causes which have hitherto prevented this, or any other effectual measures for the relief of the claimants, but we regard this as a superfluous task. We also pass over many minor considerations, that have been or may be urged against any measures for granting this relief, such as the length of time that has elapsed, the large amount of the claim, the doubtful justice of parts of it. If we have succeeded in showing that it is in the main founded in justice; that the claimants could rightfully have demanded payment of France, and that our government renounced this claim for them, we have established our point. If we have made it farther apparent, that at the time of renunciation it was understood to be a claim of great value, and was an offset against important claims of France on America; if we have shown that its recovery from France was not so desperate, as to make its estimated value null; if we have made it clear, that but for this renunciation, the claim would now have stood on the footing of those, which the government is actively prosecuting, and will certainly enforce, we have established, as we conceive, a fair right on the part of the claimants to indemnity from their own government. Meantime we have no distrust of the national councils. It is likely, that when the papers, which have been promised

from the Department of State, shall be communicated, the subject will be fairly and adequately discussed, and that some compromise, satisfactory to the claimants, and not onerous to the country, will take place.

ART. VIII.—*Ensayo sobre la Necesidad de una Federacion Jeneral entre los Estados Hispano-Americanos, y Plan de su Organizacion. Obra Póstuma del* H. CORONEL D. BERNARDO MONTEAGUDO. Lima. 1825.

THE alliance about to be established between the new American republics, by the delegates assembled at the Isthmus of Panamá, may with justice be considered among the most remarkable events of political history. Confederacies between independent states, for the purpose of consulting and supporting the common interest, have existed from early times. The governments of ancient Greece had their mutual compacts, their long sustained council of Amphictyons, and their renowned Achæan league; some of the minor states of modern Europe have from time to time followed their example; and we behold at this day, the colossal powers of the old world linked together to maintain their dominion, nay, to secure their safety. The influence of these confederacies has been important, in proportion to their extent and their objects, but none of them has existed under circumstances so imposing, or been instituted on principles so broad and just in their political bearings, or been calculated to affect so deeply and widely the destiny of future generations, as that about to be formed by the Congress of Panamá.

Polybius tells us, that it was the boast of the Achæan league, while the wise and politic Aratus was at its head, to be founded on the basis of equality and liberty, and that to this were mainly to be ascribed its strength and its increase. But every one knows what was Grecian liberty, even in the best days of Grecian prosperity. The balance, between the rights of the people, and the power of the rulers, was never well adjusted; the laws of nations were not understood, because practised on a narrow scale; commerce, that great

instrument in drawing out the principles, and settling the rules of national intercourse, was hardly known. In short, liberty was too often the watchword of those, who desired freedom from law rather than from tyranny; and the cry of equality was a signal for levelling the fabric of power, as sustained by an existing government, that the schemes of ambition and misrule might be raised on its ruins. These defects, and others of a collateral nature, interwoven with the very texture of political institutions denominated republican, not only in Greece, but in other countries of Europe at later periods, have presented obstacles to any well organised confederacy in governments of this kind in the old world, which would bring the combined power and wisdom of the whole, to act for the mutual and equal benefit of the parts.

If we look at confederated despotisms, we find things in a still worse condition. Who has ever dreamt, that it was the aim of the present allied sovereigns of Europe, to lift a finger towards aiding the progress of the mind, or human improvement in anything, which implies freedom of thought, or scope of inquiry? All their acts declare the contrary, and prove this alliance to be a conspiracy against the liberty, as it is an outrage upon the rights of mankind. It is a combination to perpetuate ignorance, delusion, and slavery; to stop the current of public opinion, and let in upon the mind anew the Stygian waters of the dark ages; to make men bigots in the false creed of legitimacy, and infidels to the pure faith of reason and truth, liberty and right. Let public opinion be brought to this standard, and it is wisely judged, that it can be moulded to any shape, and impelled in any direction. Teach men to forget their rights, and abandon self respect, and you have no more to do to make them fit subjects for dragging the chains of slavery. The sovereigns of Europe are allied to prop up half a dozen tottering thrones, whose gothic structure is the mockery of an enlightened age like this, and to aggrandise half a dozen crowned heads, not merely at the expense of the independence of a hundred millions of the human race, but at the immensely greater sacrifice of retarding the progress of nations in those arts of self government, of which the human character and condition are susceptible, which afford the broadest foundation for all the advantages to be derived from the social compact, and

which are advancing so rapidly in every part of the world, where the shackles of antiquated forms are not felt.

The confederacy of Panamá is formed under auspices totally different from any, which have before existed. It has no prototype in the annals either of ancient or modern story. A hemisphere of the globe has become freed from the yoke of bondage, by hard struggles and by an energy, which only the spirit of freedom could inspire. The soil, which for three centuries was made sterile by the poisoned breath of tyranny, now gives growth and vigor to six great republics, as well organised as the circumstances of each will admit, and having for their basis the genuine principles of political liberty and justice. To give stability to these institutions; to remedy the numerous defects, which in their present stage they must necessarily possess; to consult and advance the common interests of twenty millions of people; to provide means of defence against aggression from without, and commotion from within; to secure peace and prosperity at home, and importance and respect abroad; to settle on definite grounds those political maxims, which for ages unnumbered will regulate the intercourse of nations, whose infancy will soon grow into a powerful manhood; to concert all the plans, in short, which wisdom can devise, and union execute, for increasing the strength and prosperity of every branch of the confederacy; these are some of the points to be considered at the Congress of Panamá. The spectacle of such a body, assembled for such a purpose, is not more novel than imposing; its members are literally the legislators of a continent; and it was a just remark of Bolivar, that this event 'will form a memorable era in the diplomatic history of America, and a hundred ages hence, when posterity seeks the origin of the international law of the southern republics, she will consult the records of the proceedings in the Isthmus.' Viewed in this light, and it is certainly the true light, the Congress of Panamá is an object of deep interest to all parts of the American continent, and although our own government is at present widely separated from the sphere of its action, yet it must necessarily, at a future day, participate largely of the influence of its measures.

In touching on this subject at present, we aim at nothing more, than to state a few historical facts, with very brief

remarks on the general purposes of the Congress of Panamá, reserving for a future occasion a discussion of its direct policy and designs, as these may be more fully developed. The project of a union between the new governments of the south, seems to have been early conceived by some of the leaders of the revolutionary contest, as a step highly important and desirable, but the first who undertook the business of carrying it into execution was Bolivar. If it succeeds, as its friends anticipate, he must be regarded the Aratus of the league. Till Peru had shaken off the yoke of the Royalists in 1821, so far at least as to set up a nominally independent government under San Martin, which it has since confirmed and maintained, and until Mexico had escaped from the folly and tyranny of her mock emperor Iturbide, it was obvious that any plan of confederacy between the other states could not be accomplished, with a prospect of permanency or advantage. But in 1823, when the power of Old Spain was virtually destroyed in South America, and each republic began to stand firm on its own basis, Bolivar, as President of Colombia, formally invited the governments of Mexico, Peru, Chile, and Buenos Ayres, to send delegates to the Isthmus of Panamá, or to any other place that might be agreed on, with the express design of establishing the confederacy, and proceeding in their deliberations, as the instructions and united wisdom of the parties might dictate. This invitation was promptly accepted by Mexico and Peru, and an agreement, in the nature of a treaty, was entered into by each with the plenipotentiaries from Colombia, containing a mutual pledge to send delegates to the confederate Congress. Chile and Buenos Ayres delayed joining the compact, for reasons not well known, nor does it appear, that they have yet determined to take a part by their representatives in the convention. The obstacles to their union are probably of a local and transient nature, which will in due time be removed, and the way be left open for them to come into the compact.

In this stage of the undertaking, as it was necessary for some one government to take the lead in its further prosecution, Bolivar sent a circular to all the republics, dated at Lima, December 7, 1824, recapitulating what had been done, and proposing, that delegates should immediately be

sent to Panamá, by those governments which had agreed to join in the confederacy, suggesting that they ought not, out of courtesy to the delinquents, to delay any longer to profit by the advantages, which it was confidently believed would be derived from such a convention. The governments of Colombia and Mexico promptly acceded to this request of the Liberator of Peru, and two delegates from each of these countries proceeded to the place of destination. It is presumed, also, that the republic of Guatamala will join the confederacy at the outset, and send its representatives.

The preliminary steps of the Congress are indicated by Santander, Vice President of Colombia, in his reply to Bolivar's circular. It is there proposed, that the governments of Colombia and Peru should authorise their plenipotentiaries, as soon as they arrive at Panamá, to enter into a direct correspondence with the other republics, acquainting them that conferences had commenced, and renewing the invitation for each to send representatives. That these same plenipotentiaries should have power to select such a place, as they should think proper, in the Isthmus of Panamá, for their preparatory conferences. And, again, that whenever delegates from Mexico, Guatamala, Colombia, and Peru, or from any three of these republics, should be convened, they should have power to install the assembly of confederate delegates, and proceed to the business for which they were convened. It is moreover stated, in the letters of the President of Mexico, and the Vice President of Colombia, that each of these governments, through their ministers plenipotentiary in Washington, had invited the government of the United States to take part in the deliberations at Panamá.

Such is a very brief history of the origin of this assembly; future events must unfold the character and extent of its doings. Meantime we hasten to a few observations on its proposed objects, as far as these can be understood, from the hitherto imperfect expositions of the parties themselves, and from the political condition and interests of the several republics. The pamphlet, whose title is prefixed to this article, and which was published at Lima within the last twelve months, affords some hints on this subject; and although it bears marks of haste, and is crude in composition, it is on the whole drawn up with a good deal of ability, and

manifests in the writer a deep knowledge of South American politics. It comes out as the posthumous work of Monteagudo, and this may be the true story of its origin, although the testimony in the preface is no more, than the assertion of an anonymous writer. It is a point of no consequence, however, who was the author of the pamphlet, as it treats of topics in no degree affected by the authority, from which the discussion of their merits proceeds. The name of Monteagudo is sufficiently notorious in the recent history of South American affairs, particularly in Chile and Peru. He raised himself from obscurity by the force of his talents, and his address, and acted a most conspicuous part in the strange drama of San Martin's political career. In Peru he was entrusted with almost absolute power by San Martin, but he used it for purposes, which have been condemned in the severest terms by those, who profess to be acquainted with his conduct. At all events, the people became so much exasperated with his proceedings, that he was compelled by their united clamors to leave the government, while San Martin was yet in Peru. From that time he lived as a private citizen till last January, when he was assassinated in the streets of Lima.

Here we will dismiss the supposed author of the pamphlet, and turn to the hints it contains on the Congress of Panamá. Three great points are said to claim the devoted and united attention of all the republics, and these are *independence*, *peace*, and *security*. To establish independence, preserve peace, and form a system of mutual guaranties, are objects equally essential to the prosperity, and even existence, of all the new governments, and such as can only be attained, in the most effectual manner, by a Congress, in which each shall be represented, and which shall proffer reciprocal support, fix the rules of national intercourse, and reconcile national dissensions. In his circular to the republics, Bolivar describes the Congress as a body, which may 'act as a council to us in our distresses, as a rallying point in our common danger, as a faithful interpreter of our public treaties when difficulties occur, and, in fine, as a mediator in all our differences.' This summary embraces all that can be desired from a confederacy, and it only remains to inquire what are the details, and whether they are practicable.

The thing of primary and vital importance to the South American Republics is their *independence*, and in this each one of them has an equal concern. Without independence, in short, they could not exist, and no sacrifices can be too great, no precaution superfluous, which shall have a tendency to establish this on an unshaken foundation. Where a common enemy is to be feared, whose designs are equally hostile to each republic, common prudence would dictate, that the best pledge of security would be in the united wisdom, resources, and strength of the whole. The only possible mode of effecting this union, of applying these resources, is by a Congress of delegates from the respective governments, authorised to concert proper measures, and to become responsible for supplying such a portion of the means for carrying them into operation, as may fall to the lot of each, or as exigences may require. All the reasons might here be adduced in favor of a general Congress, which were so powerfully urged by Jay and Hamilton in the *Federalist*, when they insisted on a union of our States, as the best security against foreign invasion. If you would preserve peace, let it be seen, that you are prepared to meet, and have power to resist, an enemy.

The South Americans would not seem longer to have grounds for fear, that any further attacks will be made on them by a foreign foe, yet they are doubtless wise to keep on the side of caution. The arm of Old Spain is paralysed, not more in the new world, than in the old. The brilliant victory of Ayacucho severed the last thread of her dominion on the western continent, and wrested from her hand forever the sceptre of power, which she first acquired by bloodshed and treachery, and which for three centuries she has wielded only as an instrument of oppression. The last remnants of her prostrated forces are now collected at San Juan de Ulloa, a small island on the coast of Mexico; at the castle of Callao, the port of Lima, under the semibarbarous Rodil; and at Chiloè, in the southern borders of Chile. In these retreats their insignificance protects them, and from these they would soon be driven, were it possible for them to gain such accessions of strength, as to make them otherwise than insignificant.

In this state of things it is manifest, that all actual danger from Old Spain has ceased, and as far as that humbled

nation is concerned, the independence of the new world is secured. But the South Americans say, and perhaps justly, that her pride is not subdued, although her physical force is crushed, and that the spirit of revenge is stifled, not quenched, but slumbers to burst forth with increased fury, should her strength be revived. She will set up pretensions, and call them rights, and fortify them with records, decrees, and traditions, till the series terminates in the famous bull of Pope Alexander the Sixth, making over to Ferdinand and Isabella all the western world beyond a certain line, drawn from pole to pole through such points, as his Holiness was pleased to designate. The obstinacy, that has struggled for several years in a contest, which all the world has seen must end, as it has done, in defeat and disgrace to Spain, is too blind to see the reality at first, and too inveterate to be reclaimed by reason, justice, or common prudence. It will seize the first opportunity to renew its rashness, which accident or the progress of events may throw in its way, and which shall communicate the faintest gleam of life to a lingering hope.

Moreover, the Holy Alliance exhibits an aspect, which the South Americans are disposed to contemplate with much suspicion. Not that this formidable combination has anything in America, which can rightfully claim its attention, but the melancholy examples of Naples and Spain prove abundantly, that it is ready to meddle where it has no rights, nor proper interests. These kind hearted sovereigns, by their own professions, carried war and death into the Peninsula to make the people happy, and teach them how to manage their own affairs. Who knows how soon the same tender concern may be extended to America? And when this fit of sympathy shall once have taken as deep hold, as it did in the cases of Naples and Spain, why should it not be expected to see the bayonets of their Imperial, Most Catholic, and Most Christian Majesties, teaching the same lessons of happiness and self government to the Mexicans and Colombians, as they have before done with such triumphant success to the Neapolitans and Spaniards? The Holy Alliance exists as a whole, and in its parts, on a name, a shadow, the shadow of *legitimacy*, and when the people shall see what a vain, empty thing it is, the bubble will burst, the charm will be dissolved, and the airy fabric will fall. To keep the peo-

ple in ignorance, therefore, and to suppress by collusion or force the first germs of intelligence and liberty wherever they appear, are among the most essential maxims of this political compact. Nothing but the want of adequate power, and the doubtful nature of the undertaking, would prevent these maxims being applied in America, with as much energy as in Europe. And although nothing can seriously be apprehended, it is prudent, to say the least, that the republics of the new world should be on their guard.

Then, again, there is the new empire of Brazil, bordering by a line of immense length on Colombia, Peru, and Buenos Ayres. It does not yet appear, in what direction this sprig from a royal stock will shoot. The names of emperor, crown, and sceptre, have no charms for American ears, and if the things, as well as the names, are to put forth the same virtues here, that they have done in the old world, it is safe to say, that American ground cannot long be a quiet depository for such symbols of ancient darkness and domination. It is true, that Don Pedro the First has thus far shown a spirit of accommodation to circumstances, which augurs not badly. We are even told of the *independence* of Brazil, and a *constitution*, and these under an emperor! It will puzzle a republican of the United States to understand a combination of ideas so incongruous. If Don Pedro would become a president, and declare the Brazilians independent not only of Portugal, but of all hereditary forced dominion, whether from abroad or at home, and then give them a constitution recognising an equality of rights, and liberty to choose their own mode of being governed, he might talk in earnest of the independence of Brazil. But till this be done, there never will be any permanently good understanding between that country, and the neighboring states. Jealousies will arise, aggressions be committed, and wars break out. The idle dream of legitimacy will play at times in his Brazilian Majesty's imagination, and the great champions of this phantom in Europe will have succors for an oppressed brother, which may be contributed indirectly, if not directly, to such an extent, as to render him a troublesome neighbor to the adjoining republics. In their relations with Brazil, these governments have a common interest, and such relations may properly be discussed by a general Congress.

Such are some of the advantages, which the cause of South American independence will derive, from a single body of delegates convened from all the states, especially in the first stages of their national existence. The next important step is to secure a permanent *peace*, not only in regard to their standing with foreign nations, but with each other. It is of vast moment, at the outset of their political intercourse, that such measures should be concerted, and maxims adopted, as will be mutually understood and received. By judicious arrangements of this sort, the usual causes of national differences and discord will in a good degree be obviated, a uniformity of thinking on these subjects will gradually diffuse itself through the different parts, and a similarity of habits and opinions prevail. In short, each will see its real interests in their true light, and be ready to make sacrifices, where they are required from another. The governments of South America are all established on precisely the same principles, their condition has hitherto been the same, they have thrown off the same yoke of oppression, and they have before them the same difficulties to encounter in their national progress; they speak the same language, have the same manners, domestic habits, and characteristic peculiarities. It follows, of course, that similar laws and political institutions are strictly applicable to the whole. In this respect there can be no essential difference between Mexico and Chile, Buenos Ayres and Colombia. Yet some of these governments are separated by so wide a distance from others, that the bonds of national sympathy will every day become weaker, distinctive national habits will spring up, and, as in all other nations, not cemented by any local attachments, rival interests will begin to take root, and the seeds of discord to be scattered, and the fair blossoms of peace to be blasted. With every hope realised, the day will come, perhaps, when these evils will have a being, but this is no reason why their causes should not be timely cut off to as great a degree as possible. And since there is such an entire similarity in everything pertaining to the people of these countries, and in the principles of the governments they are constituting, it is evident, that they are in a condition to be guided by one general system, formed by a united voice. And it is moreover evident, that this same harmony of cha-

racter, customs, opinion, and feeling, may be turned to the best account in promoting a universal spirit of conciliation and peace. An assembly of representatives, such as that at Panamá, is the only body, that could frame and give authority to a system, that would be suited to this uniformity of character, condition, and interests.

Peace will be preserved, not only by such a system, adapted alike to the institutions and internal policy of each government, but also by having a tribunal of weight and authority, representing the interests of all parties, to which may be referred national differences, the exposition of doubtful points in national law, the settlement of disputed rights and titles, and the interpretation of treaties. Many a long and bloody war would have been avoided in the old world, had these points been clearly defined, and understood in the same sense by the parties, before a difference of opinion, or a misapprehension, had kindled animosity, and an imaginary injury had prompted to unseasonable aggression.

Lastly, a general Congress is calculated to afford the most perfect guaranty, which can be given, of the *security* of the several states, or of the enjoyment of their rights and privileges as independent sovereignties. As the representatives meet on reciprocal grounds, the very essence of the confederacy will be a pledge to conduct their deliberations, and form their decisions, on principles of perfect reciprocity. It is only upon this basis, indeed, that the Congress can exist at all, and if this be removed, the union will necessarily dissolve. While such an assembly continues, therefore, in the full and active exercise of its delegated powers, the states individually can have no stronger safeguard to their rights as separate governments. A majority in the assembly will rule, but the interests of each member of the confederacy are so nearly the interests of all the others, that a case can hardly occur, in which a majority would come to a decision essentially detrimental to the minority, and not at the same time be equally so to themselves. The extraordinary circumstance already repeated, that is, the remarkable similarity of interests on all subjects, which will be brought before this body, guards its deliberations with a system of checks and balances, which leaves it no power to act, while it acts at all as a united assembly, except for the common good. This must

inevitably be the character of the assembly, unless it can be supposed, that the majority will conspire to accelerate their own ruin.

Navigation and commerce are yet in their infancy in the South American republics; the laws of nations concerning this kind of intercourse are very imperfectly understood there, as well as the theory of the freedom of trade, and the rights of neutrals in time of war. Obstacles, which have proved most serious to the peace and prosperity of the old countries, will be removed, if the laws of international communication can be defined by a competent tribunal at this period, and be watched over and interpreted as occasions may hereafter require. In the administration of justice, and the general forms of internal government, the laws of Old Spain still prevail throughout Spanish America. These must gradually be reformed, and abolished, and their place supplied by others in unison with the spirit of free constitutions. Such a change must be produced slowly, but it will be done much more surely, when promoted by the influence of a general Congress, which will collectively be acquainted with the condition and wants of the separate republics, and be able to apply such counsels and such remedies as are most needed, and as will command the confidence and respect of the people.

But we aimed only at a few hints on this subject, and have already transgressed our intended limits. As far as we can collect the views of the South American writers, from such of their remarks as we have seen, it may be expected, that the immediate attention of the Congress will be drawn to some or all of the following topics, as enumerated in the *Gaceta de Colombia* of the 27th of February, 1825.

1. To form a solemn compact, or league, by which the states, whose representatives are present, will be bound to unite in prosecuting the war against their common enemy, Old Spain, or against any other power, which shall assist Spain in her hostile designs, or any otherwise assume the attitude of an enemy.

2. To draw up and publish a manifesto, setting forth to the world the justice of their cause, and the relations they desire to hold with other christian powers.

3. To form a convention of navigation and commerce, applicable both to the confederated states, and to their allies.

4. To consider the expediency of combining the forces of the republics, to free the islands of Puerto Rico and Cuba from the yoke of Spain, and, in such case, what contingent each ought to contribute for this end.

5. To take measures for joining in a prosecution of the war at sea, and on the coasts of Spain.

6. To determine whether these measures shall also be extended to the Canary and Phillipine islands.

7. To take into consideration the means of making effectual the declaration of the President of the United States, respecting any ulterior design of a foreign power to colonise any portion of this continent, and also the means of resisting all interference from abroad with the domestic concerns of the American governments.

8. To settle by common consent the principles of those rights of nations, which are in their nature controvertible.

9. To determine on what footing shall be placed the political and commercial relations of those portions of our hemisphere, which have obtained, or shall obtain their independence, but whose independence has not been recognised by any American or European power, as was for many years the case with Hayti.

This is a formidable list of subjects, and enough to show, that, if they should all be discussed, the first Congress at Panamá will not have an idle session. As to the question, whether the United States ought to join in the confederacy, it can hardly be doubted, that such a step would at present be highly inexpedient. Nearly all the topics for primary consideration, are such as pertain exclusively to the local interests of the South American republics; any close alliance, or active interference of the United States, would embarrass, rather than facilitate some of the most important deliberations of the Congress. Besides, our friendly relations with Old Spain render it impossible for us to participate in any measures of war, or hostility, either by counsel or action, which her enemies may think themselves compelled to adopt. The pledge of the President of the United States may be considered as sacred and permanent, so far as the warm and universal approbation of the country, when it was given, may be regarded as clothing it with such a character. In his message to Congress two years ago, speaking of the European powers, President Monroe used

the following dignified and decided language. 'We owe it to candor, and to the amicable relations existing between the United States and those powers, to declare, that we should consider any attempt on their part, to extend their system to any portion of this hemisphere, as dangerous to our peace and safety. With the existing colonies or dependencies of any European power, we have not interfered, and shall not interfere. But with the governments, who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light, than as the manifestation of an unfriendly disposition towards the United States.' The South Americans cannot want a more hearty and decided expression of interest in their concerns, and of friendly feeling towards them, than is contained in this paragraph. The government of the United States has recognised the independence of all the republics, and formed with them on mutual terms the relations of sovereign and independent nations. Should the great cause of American freedom be assailed, whether at the north or the south, the people of the United States will be ready to take up arms, and unite with all the friends of liberty on the continent in defence of their common rights. At such a crisis there would be strong motives for a union of counsel, in a general congress of delegates collected from every part of America. As it is contemplated, that the Congress of Panamá shall be a permanent body, holding its sessions statedly from time to time, the day may arrive, when the local affairs of the south will be so adjusted, that there will be few national interests in those countries, which are not common to the north. At such a period, also, a union may with great propriety be formed.

But notwithstanding we think it would be manifestly premature and impolitic, for the United States to join the confederacy at this stage of the business, yet there are many reasons why representatives from our government should be present, and take part in such discussions as effect our immediate interests, and be prepared to express the sense of the government on all topics of general concern. Let the acts of the Congress be what they may, since they will apply to all the southern re-

publics, they must ultimately affect the United States; and it is not easy to foresee or calculate the advantages that would be gained, or the evils that would be averted, in our future national progress, by exercising a timely and salutary influence in the counsels, whose professed design is to form a system of mutual intercourse and political operations, for six distinct governments on the western continent, some of them already powerful, and all possessing the means of rapid growth and strength.

ART. IX.—*Memoir of the Life of Josiah Quincy Junior, of Massachusetts.* By his Son, JOSIAH QUINCY. Boston. 1825. Cummings, Hilliard & Company. 8vo. pp. 498.

THE history of the American revolution, familiar as it is in its prominent features, relates to a subject of so much importance, as may well inspire that general and growing interest, which is observable, to learn the minuter circumstances, that may be communicated by authentic memoirs, respecting the causes, principles, and incidents of the contest, and of the distinguished agents in the great transaction. During the war, all hearts were engaged in active and arduous efforts, to bring it to a successful issue. While such energies were in exercise, the interesting preliminary questions relative to colonial rights and duties, allegiance and supremacy, which had been so amply and ably discussed, were superseded. When peace was declared, and independence secured, the whole country was miserably exhausted by the exertions and sufferings incident to the arduous struggle, and all became earnestly engaged, according to their opportunities, in repairing their wasted fortunes, or in securing the means of subsistence in the various employments, to which they had been accustomed, or in the new pursuits which were opened by the revolution.

To these exertions there were, for a time, many discouraging obstacles. The change of political relations, resulting from the revolution, impeded, in a degree, the prosecution of some of the former branches of business. Time, experience,

and more abundant means, than were then possessed, were necessary for successful pursuits, in the new avenues which were presented. In the mean time, the public debt was pressing, no adequate national provision existed for its discharge, and the honorable exertions of individual states to comply with their obligations, were beyond their means, created discontents, and, in one instance, rebellion. To these discouraging incidents, were added some untoward circumstances, in reference to the brave men, who fought the battles of the revolution. Commutation pay and Cincinnati honors excited a dissatisfaction, that for a time restrained the generous emotions, which would otherwise have naturally prevailed.

From these and other causes, which might be mentioned, we are not to look to the early years of our national progress, immediately after the war, for any very intense interest in the history of the revolution. The important discussions which succeeded, relative to a new organisation of the national government, commanded almost exclusive attention to that object. The French revolution, which followed, revived congenial feelings and sentiments connected with the American contest; but the bloody and revolting transactions, which accompanied that memorable struggle, repressed the early sympathies, which were manifested, and considerate men devoted all their influence, to guard against the dangers of perverted sentiment, to establish the new national edifice on solid foundations, and to maintain a safe and steady course in the administration of public affairs, during the fierce and alarming conflicts of contending nations. It was then that a recurrence to the principles of the revolution was less cordially cherished, by becoming the instrument of party. In every stage, however, it may be affirmed, there has been no real want of attachment to those principles. Men only differed as to the time, manner, and occasion of their expression, and as to their application. In the course of events, there is happily a return to 'the old good sense and old good humor' of the country; and we have arrived at a period, commencing with the treaty of Ghent, when a greater degree of political catholicism prevails, and among the various interesting topics to which a liberal curiosity is extended, the principles, causes,

events, and characters of the revolution, have their just share of public attention.

Speculations and details of this description are more valuable and deserving a complacent reception, as they are free from party views, and are not for the purpose of reviving extinguished animosities. They are regarded as a just tribute to departed worthies; as preserving precious elements of national history; as instructive lessons for political conduct, and as laudable incitements to manly sentiment and magnanimous deportment, in seasons of distress and danger. Under such impressions, they come with a lively warmth, but with a pure and chastened tone, from men of refined taste and elevated views. We follow them to scenes of strenuous action, not for the indulgence of angry passions, but from dutiful regards and grateful remembrances, in harmony with generous affections, and not unfriendly to that diffusive philanthropy, which it is desirable to cultivate.

——— hinc maxima porrò
Accepit Roma, et patrium servavit honorem.

A memoir of the life of *Josiah Quincy junior* could, at no period, be uninteresting to the American people; but from the considerations which have been suggested, and from the remarks of the worthy and respectable editor, we cannot but think the time of publication to be well chosen.

'By the lapse of half a century, the actors in the scenes immediately preceding the war of the American Revolution, begin to be placed in a light and at a distance, favorable at once to right feeling and just criticism. In the possession of freedom, happiness, and prosperity, seldom if ever before equalled in the history of nations, the hearts of the American people naturally turn towards the memories of those, who, under Providence, were the instruments of obtaining these blessings. Curiosity awakens concerning their characters and motives. The desire grows daily more universal to repay, with a late and distant gratitude, their long neglected, and often forgotten, sacrifices and sufferings.' p. v.

The volume consists of a well written biographical sketch of Mr Quincy, of copious extracts from his journals, kept on a tour to the Southern Provinces, as they were then denominated, and on a visit to England, of copies of letters to and from his friends and correspondents, principally on political

topics, and a reprint of his Observations on the Boston Port Bill.

'The chief memorials of Josiah Quincy junior, belonging to this class, were, by his last will, bequeathed to his son, the editor of this work. They have frequently been solicited for publication, but, with the exception of the few extracts, which Gordon made and inserted in the first volume of his History of the American Revolution, no part has before been submitted to the press. They are now given to the general eye, not so much because they belong to that individual, as because his memory, from the circumstances of his life, death, character, and labors, is inseparably identified with the times in which he lived, and with the fortunes of his country.' p. vii.

The family of Quincy commences, on American ground, with Edmund Quincy, who came from England with the Rev. John Cotton, and arrived at Boston, September, 1633. Josiah Quincy junior was of the fourth generation from that venerable head, being the youngest of three brothers, sons of Josiah Quincy of Braintree, Massachusetts, who was the youngest son of Edmund Quincy, grandson of the Edmund first named. This family, in all its branches, and in every generation, has furnished distinguished men, who have, in a high degree, deservedly enjoyed the public confidence, in places of public trust and employment. The first Edmund Quincy was one of the representatives of Boston, to the first General Court held in the colony. His only son, Edmund, who died in 1697, was a magistrate of the county of Suffolk, and lieutenant colonel of the Suffolk regiment. John Quincy, his son, born 1689, was Speaker of the House of Representatives, for many successive years, and afterwards a member of the Council. Edmund, his brother, was, in early life, a representative of Braintree, afterwards member of the Council, and Judge of the Superior Court of Judicature, from 1718 to his death, in 1738. He died of the small pox, in London, being, at that time, agent from Massachusetts, relative to a controversy with New Hampshire, respecting the boundary line between the two provinces. In grateful return for his eminent public services, a grant of one thousand acres of land was made to his heirs, by the General Court, and a monument was erected to his memory, at the place of his interment, in London, (Bunhill-fields,) at the expense of the province.

Josiah Quincy, his youngest son, accompanied his father to England. In 1755 he was employed to negotiate with Pennsylvania and New York, for assistance against the French aggressions on the frontiers. In the execution of this commission he became acquainted with Dr Franklin, with whom, and with other distinguished men of the age, he kept up a correspondence until his death, in 1784, having for many years lived in retirement, on his paternal estate, in Braintree. This estate, now the seat of his grandson, editor of this work, is in *Quincy*, a town set off from Braintree in 1792. In that town, also, is the paternal estate of John Quincy, above mentioned. It includes *Mount Wollaston*, the residence, in early times, of Thomas Morton, who was routed from his disorderly establishment by our sturdy ancestors. This estate is now the property of his great grandson, John Quincy Adams, President of the United States.

The subject of this memoir was born in Boston, February 23d, 1744.* He 'acquired the rudiments of a classical education,' we are informed, 'at Braintree, under the tuition of Mr Joseph Marsh, who was for many years master of a highly respected private school in that town.' We are induced to believe, that his classical studies were merely commenced with Mr Marsh, for, on reference to a list of scholars at Master Lovel's school, in Boston, on which we may be allowed to rely, it appears, that young Quincy entered that celebrated school in 1754, and left it in 1759, when he was matriculated at Harvard College. Of his collegiate and professional studies and acquirements, and the developement of his character at that early period, we have the following information in the Memoir.

'In 1759, he entered Harvard University, where his industry, zeal, and unconquerable thirst for learning, were conspicuous. His taste was refined by an intimate acquaintance with the ancient classics, and his soul elevated and touched by the spirit of freedom they breathe. His compositions during this period also prove, that he was extensively conversant with the best writers of the French and English schools. Above all, the genius of Shakspeare seems to have led captive his youthful imagination. In his writings, quotations, or forms of expression, modelled upon those of that author, perpetually recur. There still exists among his papers, a

* Son of Josiah and Hannah Quincy. His mother was a daughter of John Sturgis Esq. of Yarmouth.

manuscript of the date of 1762, he then being in the junior class of the college, of seventy closely and minutely written quarto pages of extracts from that writer.

'He was graduated in 1763, with unblemished reputation. Three years afterwards, on taking the degree of Master of Arts, he pronounced the English oration, at that time a new thing in the exercises of the University, and considered its highest academic honor. His subject was "Patriotism," and it appears by the periodical publications of the day, that he acquired, both on account of the composition and delivery, great reputation.

'From the University, he passed in 1763, into the office of Oxenbridge Thacher Esq. in Boston, one of the most eminent lawyers of the period, and entered upon the study of the law with that intense ardor and industry, which were his distinguishing characteristics. Mr Thacher died in July 1765. Mr Quincy remained in the office during the residue of his student's term, took a general oversight of its concerns, and on entering his professional career, succeeded to an extensive practice, which his talents, diligence, and fidelity, in a great measure, secured to himself. His industry while a student, and during the first years of his profession, is proved by several manuscript volumes, in his own hand, consisting of "Reports of cases and points of law, solemnly adjudged in the Supreme Court of the Province," part of which are original, and part copied from the minutes of eminent lawyers.

'The arguments of Auchmuty, Thacher, Gridley, Otis, Adams, and other distinguished lawyers, with the cases cited, in various important questions, are here abstracted and preserved.' pp. 7—9.

It may be hoped, that the early specimens of Mr Quincy's literary industry, whilst a student, will not be lost. Our printed reports are but of modern date. The persevering labors of Mr Dane have preserved to us several manuscript cases of importance, which would otherwise have slept in oblivion. The volumes compiled by Mr Quincy, of 'Reports of cases and points of law adjudged in the Superior Court of the Province,' must contain, it may be presumed, much valuable information, and modern lawyers would be gratified by the perusal of the arguments, though merely in abstract, of such men as Auchmuty, Thacher, Gridley, Otis, and Adams.

Mr Quincy was well fitted for his profession by his eminent talents and acquirements, and his distinguished eloquence; adding to these advantages an unremitting industry, and attention to the business intrusted to his care, he soon acquired an extensive degree of practice. His ardent mind,

however, could not remain exclusively devoted to the duties of his profession, during the interesting political questions, which then agitated the country. The course of his studies, his family connexions, the band of eminent patriots with whom he had intimate intercourse, and especially the influences which the conversation and example of such a man as Oxenbridge Thacher, the Gamaliel at whose feet he was brought up, must have exercised, could not but engage him most devotedly in the various public topics of the day. Of this gentleman, the venerable John Adams, in one of his letters, gives an animated portrait.

'From 1758 to 1765, I attended every superior and inferior court in Boston, and recollect not one in which he did not invite me home to spend evenings with him, when he made me converse with him as well as I could, on all subjects of religion, morals, law, politics, history, philosophy, belles lettres, theology, mythology, cosmogony, metaphysics; Locke, Clark, Leibnitz, Bolingbroke, Berkley; the preestablished harmony of the universe, the nature of matter and of spirit, and the eternal establishment of coincidences between them; fate, foreknowledge absolute; and we reasoned on such unfathomable subjects as high as Milton's gentry in pandemonium, and we understood them as well as they did and no better. To such mighty mysteries he added the news of the day, and the tittle-tattle of the town. But his favorite subject was politics, and the impending threatening system of parliamentary taxation and universal government over the colonies. On this subject he was so anxious and agitated, that I have no doubt it occasioned his premature death. From the time when he argued the question of writs of assistance to his death, he considered the king, ministry, parliament, and nation of Great Britain, as determined to new model the colonies from the foundation, to annul all their charters, to constitute them all royal governments, to raise a revenue in America by parliamentary taxation, to apply that revenue to pay the salaries of governors, judges, and all other crown officers, and, after this, to raise as large a revenue as they pleased, to be applied to national purposes at the exchequer in England; and, further, to establish bishops, and the whole system of the Church of England, tithes and all, throughout all British America. This system, he said, if it was suffered to prevail, would extinguish the flame of liberty all over the world; that America would be employed as an engine to batter down all the miserable remains of liberty in Great Britain and Ireland, where only any semblance of it was left in the world.'*

* Letter to Mr Niles, of Baltimore, dated February 13, 1818.

We perceive, in this delineation, the character not merely of an individual, but of the age, in its leading features. There was a free, bold, decisive, manly style of thought and action prevailing, inherited from a hardy, persecuted ancestry, and cherished by our literary, civil, and religious institutions; a temper which could not brook oppression, or abuse of power in any of its forms. The foundations, sustaining the spirit of liberty, were deep, strong, and indelible. The library of Harvard College, by the munificence of the younger Hollis, who did for law and polity what his uncle had done for theology, was stored with the best writers on those subjects, and her sons drank deeply from this 'well of English undefiled.' Lord Mansfield said once, in debate, alluding to Otis's Essay on the Rights of the Colonies, that he seldom looked into *such things;* but in another case, about the same time, in a speech which is far more honorable to his memory,* he expresses his enthusiastic admiration of President De Thou's dedication of his history, which he never could read, he said, without rapture. If prejudice could have been dismissed, his heart might have been touched, as was the soul of Chatham, by sentiments and opinions, flowing from lips and pens in an infant country, not inferior to the admired composition of President De Thou.

At the time of the stamp act, and until after its repeal, Mr Quincy was a student in Mr Thacher's office, and doubtless partook of the high excitement which prevailed at that period. His first political essays were two pieces, published in the Boston Gazette, in September or October, 1767, under the signature of *Hyperion.* This first essay of the young Tyrtæus of the day discovers the strong sensations, with which he viewed the measures, adopted by the parent country in reference to the colonies; and the whole course of his conduct, during the few remaining years of his life, was in harmony with the energetic commencement of his political labors, as evinced in the essays of *Hyperion.*

At this period the alarming declaration, accompanying the repeal of the stamp act, had begun to be carried into execution by the act for laying duties in the colonies, on paper, glass, painters' colors, tea, &c. with a clause enabling the

* Chamberlain of London, versus Allen Evans, in the House of Lords.

crown to establish a general civil list in the provinces, to an indefinite extent. This measure, connected with the establishment of a board of commissioners of customs in Boston, was considered as evidencing a fixed determination in the administration to pursue, to an unknown and alarming extent, the project of raising a revenue from the colonies by indirect taxation, without their consent; the high tone of authority intended to be maintained, in regard to the colonies, was further evidenced by restraining the governor, council, and assembly of New York, from passing any act until the mutiny act should be complied with.

Soon afterward, (November 2, 1767,) was commenced the publication of the celebrated *Farmer's Letters*, in Pennsylvania, a series of papers powerfully addressed to the understanding and feelings of the American people, in reference to the claim of a parliamentary taxation. Mr Quincy's letter to the Reverend John Eagleston, written September 15, 1768, gives a view of his determined spirit, and of the state of things at that anxious period, when the arrival of troops at Boston, to secure the execution of the obnoxious measures, was expected.

The transactions of the town of Boston, mentioned in that letter, (p. 16,) were the results of a town meeting on the 12th of the same month, at which, besides recommending a convention of delegates to meet in Boston, it was resolved,

'That the freeholders, and other inhabitants of the town of Boston, would, at the peril of their lives and fortunes, take all legal and constitutional measures to defend all and singular the rights, liberties, privileges, and immunities, granted in their royal charter.

'That as there was an apprehension, in the minds of many, of an approaching war with France, those inhabitants, who were not provided with arms, should be requested duly to observe the laws of the province, which required that every householder should furnish himself with a complete stand.'

Respecting the last resolution, Doctor Gordon quotes a sarcastic remark published in the *New York Journal*, denominating the intimation of the prospect of a French war, a '*disingenuous jesuitical pretence.*' It was doubtless a mere disguise, which would seem to have been equally unbecoming and impolitic, unless it were intended as a sort of *argumentum ad hominem*, having reference to some false and de-

lusive apologies, which had been offered for the maintenance of a considerable military force in the colonies.

On the 3d of October, a few days after the arrival of the two regiments from Halifax, Mr Quincy again appears in the Boston Gazette, unintimidated, under the signature of Hyperion.

'After what has been said and wrote on both sides of the Atlantic, upon colony affairs; after the most perspicuous demonstration of the illegality and ill policy of the measures pursued against this continent; it would be an affront to the understanding to attempt setting the matter in a clearer point of view. The meanest capacity must perceive, the remotest peasant in the wilds of America must feel, the consequences.

'British taxations, suspensions of legislatures, and standing armies, are but some of the clouds, which overshadow the northern world. Heaven grant that a grand constellation of virtues may shine forth with redoubled lustre, and enlighten this gloomy hemisphere!

'If ever there was a time, this is the hour, for Americans to rouse themselves, and exert every ability. Their all is at a hazard, and the die of fate spins doubtful! In vain do we talk of magnanimity and heroism, in vain do we trace a descent from the worthies of the earth, if we inherit not the spirit of our ancestors. Who is he, who boasteth of his patriotism? Has he vanquished luxury, and subdued the worldly pride of his heart? Is he not yet drinking the poisonous draught, and rolling the sweet morsel under his tongue? He, who cannot conquer the little vanity of his heart, and deny the delicacy of a debauched palate, let him lay his hand upon his mouth, and his mouth in the dust.

'Now is the time for this people to summon every aid, human and divine; to exhibit every moral virtue, and call forth every christian grace. The wisdom of the serpent, and the innocence of the dove, and the intrepidity of the lion, with the blessing of God, will yet save us from the jaws of destruction.

'Where is the boasted liberty of Englishmen, if property may be disposed of, charters suspended, assemblies dissolved, and every valued right annihilated, at the uncontrollable will of an external power? Does not every man, who feels one ethereal spark yet glowing in his bosom, find his indignation kindle, at the bare imagination of such wrongs? What would be our sentiments, were this imagination realised?

'Did the blood of the ancient Britons swell in our veins, did the spirit of our forefathers inhabit our breasts, should we hesitate a moment in prefering death to a miserable existence in bondage?

Did we reflect on their toils, their dangers, their fiery trials, the thought would inspire unconquerable courage.' pp. 19—21.

In October, 1769, he married the eldest daughter of William Phillips, Esquire, an eminent merchant in Boston.

'In this connexion, the result of an early attachment, Mr Quincy found a companion, possessed of an intellect and spirit, capable of appreciating and supporting his own character and virtues. During his life she was the confidant of his noble views, and entering, with like ardor, into his political course, cheerfully submitted to the privations it induced, encouraging him with all her influence to risk the perils to which his open, undisguised zeal in the cause of his country, at that time, were thought to expose him and his family. She survived her husband three and twenty years; his fame and memory being the chief solace of her life; and the perfect fulfilment of parental duty to their surviving child, its only object.' p. 29.

The professional eminence of Mr Quincy prompted an immediate application to him to assist in the defence of Captain Preston, and eight soldiers of the 29th British regiment, charged with the murder of five citizens of Boston, in the bloody tragedy of the 5th of March, 1770. His sense of duty, as a lawyer, impelled him to yield to the request, and in this course, he had the support of his distinguished copatriot, John Adams, who was senior counsel in that memorable defence. Mr Quincy's father, having heard reports of his engagement for the prisoners, wrote an anxious letter of inquiry on the subject. The son's reply, (p. 36,) is respectful and affectionate, but decided as to the course of conduct on the occasion, which he had determined to adopt.

The published account of the trial contains Mr Quincy's able and eloquent argument at length; which is also given in this volume. It discovers great ingenuity, and beauty of sentiment and expression, and we cannot but notice the address with which he not only avoids embarrassment, from his well known political character, but finds occasion to introduce trains of thought connecting the grounds of defence with his political opinions and doctrines.

Captain Preston, who was tried separately, and six of the soldiers, were acquitted. Two of the soldiers were convicted of manslaughter.

In 1771 and 1772, Mr Quincy's labors, as a political writer, were incessant, and all his performances in the great pub-

lic cause, in which he engaged, 'breathed that bold, ardent, and vehement spirit, which characterised his life, speeches, and writings.' These exertions, with his professional labors, exhausted his strength, and enfeebled a frame naturally not robust. In the latter part of 1772, such decided symptoms of pulmonary disease were manifested, that he found it necessary for a time to abandon the field of debate, and to repair to a more southern climate. On the eighth of February, 1773, he embarked for Charleston. On the same day, he commenced a Journal, from which the author of the Memoir has enriched his volume with many extracts. The generous reader will readily sympathise with the interesting valetudinarian throughout the whole of his tour, from his affectionate impressions as he sails down the harbor of Boston, in view of the shades of Braintree, the cherished abode of his childhood, and the residence of a beloved parent, until his return. A severe storm, which occurred when the packet was within thirty leagues of the destined port, is feelingly depicted. The tremendous gale was attended with rain, hail, snow, and sleet, and continued with few and inconsiderable intermissions, for five successive days.

Mr Quincy arrived safely at Charleston, February 28th. His first impressions of that flourishing city were favorable, and every day of his residence, and of his intercourse with its kind and polished inhabitants, afforded additional sources of gratification. He remained in Charleston, until March 25th, when he proceeded homeward by land, visiting North Carolina, Virginia, Maryland, Pennsylvania, New Jersey, and New York, noticing objects worthy of attention, in reference to soil, cultivation, productions, commerce, manners and customs, political and civil institutions, and cultivating an acquaintance with many eminent men, particularly with those who had engaged with interest in the cause which he had so much at heart.

At New York he took passage for Newport, passing down the Sound, without visiting Connecticut, and arrived home about the middle of May. During this brief absence, his active mind, surmounting the disease with which he was afflicted, was busily engaged, and the remarks in his journal, on men and things, give abundant evidence of discrimination and just discernment, and of the generous and lofty spirit

with which he was animated. In South Carolina, he became acquainted with Lavinus Clarkson, David Deis, T. L. Smith, John Mathews, Miles Brewton, Charles C. Pinckney, E. Rutledge, Messrs Bee, Parsons, Simpson, and Scott, (the seven last mentioned all gentlemen of the bar,) Roger Smith, Thomas Lynch, J. Rutledge, Charles Pinckney senior, and J. Allston. C. C. Pinckney and E. Rutledge, were, at that time, just returned from England, where they had pursued their legal studies, and had taken the degree of Barrister. Mr Quincy was much in the society of these gentlemen, and received from them many polite attentions. 'I was much entertained,' he observes, 'with Mr Pinckney's conversation, who appeared a man of brilliant natural powers, and improved by a British education at the Temple.' Mr Rutledge possessed a manuscript collection of Reports, which Mr Quincy, from his devotedness to his profession, found time to copy, amidst his many social engagements, in that hospitable city.

In North Carolina he visited William Hill, 'a most sensible, polite gentleman, and though a crown officer, a man replete with sentiments of general liberty, and warmly attached to the cause of American freedom,' Colonel Dry, Dr Cobham, at whose house in Wilmington, he dined, with Messrs Harnett, Hooper, Burgwin, and Dr Tucker. Mr Harnett he describes as the 'Samuel Adams of North Carolina, except in point of fortune.' At Newbern he visited Judge Howard; breakfasted with Colonel Buncombe, of Tyrrell county, and at Edenton spent his time 'in dining and conversing with the most celebrated lawyers.'

On the 6th of April, our traveller entered Virginia. We cannot but regret that Mr Quincy failed of an interview with the distinguished congenial characters in Virginia, from whom he would doubtless have received a most cordial reception. In Maryland he was occupied with attending the courts of law; he mentions no gentleman to whom he was introduced, but Daniel Dulany, the Attorney General. On the 23d of April he entered Pennsylvania, and appears to have been particularly pleased with all he saw in that flourishing province. In Philadelphia he received civilities from Dr Shippen, Thomas Smith, Mr Dickinson, author of the Farmer's Letters, Mr Galloway, Speaker of the House, Joseph Reed, Jonathan B.

Smith, Chief Justice Allen and his sons, Jared Ingersoll, and Peter Wycoff. His visit to Mr Dickinson is thus briefly communicated.

'May 3d. The morning of this day spent in reading, and amusements of the itinerary kind. Dined with John Dickinson Esq. the celebrated Pennsylvania "Farmer," at his country seat, about two miles and a half from town. A large company were very elegantly entertained. This worthy and able politician (for such he is, though his views and disposition lead him to refuse the latter appellation) here enjoys "otium cum dignitate" as much as any man.' p. 133.

Mr Quincy would willingly have protracted his visit in Pennsylvania, but finding a friend from New England, who was returning home, and desirous of his company, he left Philadelphia on the 9th of May. The travellers passed rapidly through New Jersey. At New York he made but few observations. He mentions a visit to the theatre, an establishment then a novelty in this country. On the performance, and on the character and tendency of theatrical amusements, he has the following remarks.

'May 11th. Breakfasted with Major Bayard; received a few complimentary visits, and an invitation to dine with Colonel William Bayard, at his seat in the country. Went to the theatre in the evening, saw the Gamester and the Padlock performed. The actors make but an indifferent figure in tragedy, a much better in comedy. Hallam has merit in every character he acts. I was, however, upon the whole, much amused; but as a citizen and friend to the morals and happiness of society, I should strive hard against the admission, and much more the establishment of a theatre, in any state of which I was a member.' pp. 138, 139.

The journal of this tour closes with these observations.

'What I have set down will be chiefly useful to myself. A bird of passage may easily collect, peradventure bear away, food for itself; but can transport on its fleeting tour very little, if anything, of sufficient solidity for the nourishment of others.

'Were I to lament anything, it would be the prevalent and extended ignorance of one colony of the concerns of another; were I to breathe a wish, it would be, that the numerous and surprisingly increasing inhabitants of this extensive and fertile continent, may be thoroughly attentive to, and suitably actuated by, the blessings of Providence, the dangers which surround them, and the duties they owe to God, themselves, and posterity.' pp. 140, 141.

Soon after Mr Quincy's return to Boston, a disclosure was made of the letters of Bernard, Hutchinson, and other crown officers, which had been transmitted from England by Dr Franklin. Mr Quincy partook, in full measure, of the indignant excitement produced by that communication, and wrote a series of essays on the subject, under the signature of 'Marchmont Nedham.' A paragraph from one of these essays is quoted in the Memoir, from which we may form a judgment of the style and temper of the whole. 'If to appear for my country is treason, and to arm for her defence is rebellion,—like my fathers, I will glory in the name of rebel and traitor,—as they did in that of puritan and enthusiast.'

An acquaintance which he had made with George Clymer, of Philadelphia, distinguished in the annals of his country for enlightened patriotism, sound judgment, and undeviating integrity, produced a letter from that gentleman (p. 144) on the politics of the day, in July, 1773, soon after a return from a visit to Boston, to which Mr Quincy replied in his characteristic manner.

In May, 1774, Mr Quincy published 'his chief political work,' Observations on the Act of Parliament commonly called the Boston Port Bill, with thoughts on Civil Society, and Standing Armies. It is a bold and spirited performance, exposing in strong and indignant language the threatened vengeance on the town of Boston; and on the concluding topics, Civil Society and Standing Armies, discovering most industrious research into various sources of information, historical, legal, or political, having a bearing on the subject; an extent of investigation not to have been expected in a sudden production, as he declares it to be, 'from one of infirm health, perplexed with various avocations.' It was dedicated to the Freeholders and Yeomanry of the Country. 'In you, Gentlemen,' said he, 'as the landed interest of the country, do I place my confidence, under God, at this day.' He did not live to witness the conflict, which, it is evident from his writings, he anticipated. When that serious crisis arrived, the freeholders and yeomanry of the country did not disappoint his expectations. When this work was advertised as being in the press, the author received an anonymous letter from the British Coffee House, in which he

was represented as being 'in imminent hazard of the loss of life and confiscation of estate.' 'There is,' said the writer, 'but one expedient left to save you—Employ, for God's sake, those rare talents with which he hath blessed you, in convincing the people, that they have nothing to do, but to submit, and make their peace with government. You may by this means, probably, make your peace, and ward off the punishment that hangs over your head.' To this address Mr Quincy thought it proper to pay more attention, than is usually given to anonymous communications. He immediately published a reply in the Massachusetts Gazette. 'The danger and the wrongs of my country,' said he, 'are to me equally apparent. In all my public exertions, I feel a sense of right and duty, that not only satisfies my conscience, but inspires my zeal. While I have this sentiment, I shall persevere, till my understanding is convinced of its error; a conviction that will not be wrought by the arm of power, or the hand of an assassin. Threats of impending danger, communicated by persons who conceal their name and character, ought never to deter from the path of duty; but exciting contempt rather than fear, they will determine a man of spirit to proceed with new vigor and energy, in his public conduct.'

Soon after the execution of the Port Bill had commenced, Mr Quincy received letters from Mr Clymer and Mr Dickinson, on the state of affairs, and communicating the feelings and opinions prevailing in Pennsylvania, and in other colonies, on the sufferings and proceedings of the Bostonians. The following is an extract of a letter from him to Mr Dickinson, dated Boston, August 20, 1774.

'At the urgent solicitation of a great number of warm friends to my country and myself, I have agreed to relinquish business, and embark for London, and shall sail in eighteen days certainly. I am flattered by those who perhaps place too great confidence in me, that I may do some good the ensuing winter, at the court of Great Britain. Hence I have taken this unexpected resolution. My design is to be kept as long secret as possible,—I hope till I get to Europe. Should it transpire that I was going home, our public enemies here would be as indefatigable and persevering to my injury, as they have been to the cause in which I am engaged, heart and hand; perhaps more so, as personal pique would be added to public malevolence.

'I would solicit, earnestly, intelligence from you, sir, while in London. I shall endeavor to procure the earliest information from all parts of the continent. As I propose dedicating myself wholly to the service of my country, I shall stand in need of the aid of every friend of America; and believe me, when I say, that I esteem none more capable of affording me that aid, than those who inhabit the fertile banks of the Delaware.' p. 173.

Mr Quincy's intention of a voyage to England, was communicated only to his relations and a few political friends. He embarked privately at Salem, on the 28th of September, 1774, carrying with him suitable letters of introduction to those characters, with whom he wished to become acquainted. The celebrated Congress of 1774 was then setting at Philadelphia. Samuel Adams and John Adams were members of that body. From John Adams he received an affectionate letter before his departure. Samuel Adams, in a letter to Rev. Dr Chauncy, observed, that Mr Quincy had informed him of his intended voyage. 'I am persuaded,' he adds, 'he may do great service there.' The particular objects in view do not appear to be specified. The plan was evidently urged by the political friends in whom he had most confidence. It was probably for the purpose of personally gaining and communicating such information, as could not prudently be communicated by letter, to counteract representations which might be made by governor Hutchinson and others, who had then recently repaired to England, and perhaps with the hope of some salutary impression on members of the government, or other men of influence, from one who had so many points of character to recommend him. He landed at Falmouth on the 8th of November, and made the following entry in the journal, which he began at the commencement of the voyage.

'Having reached the famous island of Great Britain, I am prone to contemplate the glorious deeds that have made it immortal,—but alas! my affections and my duty call me to consider the state of my native country.' p. 221.

On the same day he wrote to Mrs Quincy, concluding a letter which he had commenced some time previously at sea. To this lady almost all his letters written whilst in England, and which appear in the Memoir, are addressed. They are almost wholly on political topics, manifesting the interest taken by that intelligent lady in the high concerns, to which her

husband was devoted. They were designed also, as is often expressed, for communication to a circle of political friends. His health, we find by the first letters, was improved by the voyage, and he immediately engaged in active attention to every object of interest around him.

'November 9th. Proceeded from Falmouth to Bodmyn, twenty-two miles. Passed through the town of Pendryn, and several small villages. The roads hilly and good, affording agreeable riding, and delightful land prospects. The cultivation of the land can scarcely be realised by a mere American; it is to a wonderful perfection. The first reflection upon the immense labor that must be bestowed on these fields was, where the men lived, who did the work. Extensive fields, highly tilled, without a house. This was an object, which occurred almost every hour. The villages in which the laborers and peasantry chiefly reside, are built of small stones and clay, generally miserable accommodations for honest labor. The lower orders of people are servile in their obeisance, and despondent in their appearance.

'I could not help remarking, that if the little liberty diffused through Britain, could give such a beautiful face to nature, what would be the appearance, if there was as much general liberty, as was consistent with that fundamental principle of social policy, "the greatest happiness of the greatest number."

'November 11th. Though a very cold and stormy day, I viewed Plymouth Docks, and went on board and all over the Royal George, a first rate, pierced for two hundred and ten, and carrying two hundred guns. The ropewalks, buildings, armory, arsenal, naval and warlike stores, exceed the power of the human mind to conceive, that doth not actually behold.

'I will not attempt to describe what I could scarcely realise to be true, while I was actually viewing. My ideas of the riches and powers of this great nation are increased to a degree I should not have believed, if it had been predicted to me.

'I also saw many 64, 74, 80, and 100 gun ships; and went on board a loaded Indiaman just arrived; but this, being after viewing the preceding magnificence, did not much move me. The various materials, and the several degrees of building, from the laying of the keel, to the finishing an hundred gun ship, which were very carefully viewed by me, in several instances, excited an astonishment I never before experienced.' pp. 224—226.

The impressions of national strength, which the view of these and other specimens of power and magnificence pro-

duced, do not appear to have excited discouraging apprehensions of the fate of his country's cause, in the event of a resort to arms, but the whole tenor of his correspondence, whilst in England, manifests a persuasion that such would be the issue of the controversy, and firm confidence in the result. On the 17th of November he arrived in London. We copy the following entries in his journal on that day.

'I was visited by Messrs Thomas Bromfield, C. Dilly, and J. Williams, from all of whom I received many civilities. Waited upon Dr Franklin, and drank tea with him. He appears in good health and spirits, and seems warm in our cause, and confident in our ultimate success. I find many friends to liberty and America, rejoiced on notice of my arrival.' pp. 227, 228.

On the same day he thus writes to Mrs Quincy ;

'About ten hours ago, I arrived in this great city, and am now at my lodgings, near the Hay Market. With you, and my friends, the first object and inquiry will be about my health and spirits. In one word (for just now I am a man of too much business to use many) they are both surprisingly fine,—rather bordering upon extravagance, than under par. Indeed, how could they be otherwise? From sea, I landed in fine health, and have now finished a most delightful journey of three hundred miles. The scenes of Plymouth Docks, Stonehenge, Wilton House (containing the statues and paintings of the Earl of Pembroke,) exceed all description ; nay, I will venture to say, that the imagination stretched to its utmost limits, cannot form any idea of their grandeur, without a view. The same may be said of Exeter and Salisbury cathedrals.—But why do I waste time upon any other subject, than my country?

'I have spent about two hours today with Dr Franklin. He appears the stanch friend of America, and confident of the ultimate success of its friends. He has promised me his patronage, and I have reason to believe him sincere. He inquired particularly after "his old friend," my father.' pp. 228, 229.

The residence of such a man as Mr Quincy in England, and his observations on men and things, in that interesting country, cannot but be highly engaging to every liberal mind. No reader of that description will be satisfied, without a perusal of his entire journal and correspondence during his visit, and the subject gains great additional importance with every American, from its reference to a most important period in our eventful history. We have only space for the admission of a few particulars noted in the journal.

'November 18th. This morning, J. Williams, Esquire, inspector of the customs in the Massachusetts Bay, waited upon me, and we had more than an hour's private conversation together. He informed me, that Governor Hutchinson had repeatedly assured the ministry that a union of the colonies was utterly impracticable; that the people were greatly divided among themselves, in every colony; and that there could be no doubt, that all America would submit, and that they must, and moreover would, soon.

'Dined with Doctor Franklin, in company with Doctor Bancroft and Mr Williams. Doctor Franklin confirmed the account given by Mr Williams relative to Governor Hutchinson, so far as that several of the nobility, and ministry, had assured him of the same facts.

'November 19th. Early this morning J. Williams, Esquire, waited upon me with the compliments of Lord North, and his request to see me this morning. I went about half past nine o'clock, and found Sir George Savil (as Mr Williams informed me) in the levee room. After a short time his lordship sent for Mr Williams and myself into his apartment. His reception was polite, and with a cheerful affability his lordship soon inquired into the state, in which I had left American affairs. I gave him my sentiments upon them, together with what I took to be the causes of most of our political evils;—gross misrepresentation and falsehood. His lordship replied, he did not doubt there had been much; but added, that very honest men frequently gave a wrong statement of matters through mistake, prejudice, prepossessions, and biases, of one kind or other. I conceded the possibility of this, but further added, that it would be happy, if none of those who had given accounts relative to America had varied from known truth, from worse motives.

'We entered largely into the propriety and policy of the Boston Port Bill. In the conversation upon this subject I received much pleasure. His lordship several times smiled, and once seemed touched. We spoke considerably upon the sentiments of Americans, of the right claimed by Parliament to tax,—of the destruction of the tea,—and the justice of payment for it. His lordship went largely and repeatedly into an exculpation of the ministry. He said they were obliged to do what they did; that it was the most lenient measure that was proposed; that if administration had not adopted it, they would have been called to an account; that the nation were highly incensed, &c.

'Upon this topic I made many remarks with much freedom and explicitness, and should have said more, had not his lordship's propensity to converse been incompatible with my own loquacity. His lordship more than thrice spoke of the *power* of Great Britain,

of their determination to exert it to the utmost, in order to effect the submission of the colonies. He said repeatedly, "We must try what we can do to support the authority we have claimed over America. If we are defective in power, we must sit down contented, and make the best terms we can, and nobody then can blame us, after we have done our utmost; but till we have tried what we can do, we can never be justified in receding. We ought, and we shall be very careful not to judge a thing impossible, because it may be difficult; nay, we ought to try what we can effect, before we determine upon its impracticability." This last sentiment, and very nearly in the same words, was often repeated,—I thought I knew for what purpose.

'His lordship spoke also upon the destruction of the Gaspee, and in direct terms twice said, that the commissioners were appointed to try that matter, and had transmitted accounts that they could obtain no evidence. This declaration being in flat contradiction to what I had several times heard Chief Justice Oliver declare to be the case from the bench, when giving his charges to the grand jury, was particularly noticed by me. His Honor ever most solemnly declared, in public and private, that the commission was to inquire whether any such event had happened, in order to send word to England, that so a trial might, or might not be ordered, as the evidence might be; and in the most express terms declared the commissioners had no power to try.

'In the course of near two hours' conversation, many things more passed between us. As many letters and messages were delivered to his lordship while I was present, I several times rose to depart, telling his lordship I was afraid I should trespass on his patience, or the concerns of others; but being requested to stay, I remained about two hours and then rose to go, but his lordship kept standing, while he continued his conversation with his usual spirit. Upon my departure he asked me when I should leave England. I told him it was uncertain,—but imagined not this twelvemonth. He hoped the air of the island would contribute to my health, and said he thought the most unhealthy months were past; and then saying, "I am much obliged to you for calling on me," we left each other to our meditations.' pp. 231—236.

'November 23d. Dined with Messrs Dilly, and a few friends of liberty, and spent the residue of the day in delivering letters. At night Mr Inspector Williams waited on me, with the compliments of Lord Dartmouth, and requested my waiting on him tomorrow at ten o'clock. Mr Williams gave me a curious account of a conversation with his lordship relative to my "Observations." Received the compliments of Governor Pownall to breakfast with him.

'November 24th. Waited upon Lord Dartmouth, and had about an hour and a half conversation with him. I was convinced that the American and British controversy would be much sooner, and much more equitably settled, if it were not for the malevolent influence of a certain Northern personage now in Great Britain.

'Lord Dartmouth being called out for a few minutes to attend the physicians of his lady, made his apology, and taking up a pamphlet that lay on his table said, "I would entertain you with a pamphlet ('Observations on the Port Bill,') during my absence, but I fancy you have seen *this*. I think you know the author of it." His lordship bowed with a smile, which I returned, and he retired for a few minutes. * *

'Was introduced by Doctor Franklin and Doctor Price, and spent part of the afternoon and evening with the Royal Society. Spent the residue of the evening with a club of friends of liberty at the London coffee-house. Was there introduced, by Doctor Franklin and Doctor Price, to Mr Alderman Oliver, Mr Vaughan, eight or nine dissenting clergymen, and several other gentlemen.

'I find the most sanguine hopes of good from the spirit of the Americans, and the most ardent wishes for their success.' pp. 240, 241.

'November 24th. The manufacturers begin to feel,—they know, they acknowledge, they must feel severely; and if you persevere, they must be ruined. But what are these men,—what are the body of this people? *The servants of their masters.* How easy it is for the ministry to frown or flatter them into silence. How easy to take the spoils of the nation, and, for a season, fill the mouths of the clamorous. It is true, your perseverance will occasion, in time, that hunger which will break through stone walls. But how difficult is it, how impracticable is it, for *mere commercial virtue* (if indeed it have any existence) to persevere. I repeat, therefore,—depend not upon this scheme for your deliverance. I do not say renounce it,—I say continue it; but look towards it in vast subordination to those noble, generous, and glorious exertions which *alone* can save you.'—*Letter to Mrs Quincy.* p. 248.

'November 27th. Doctor Franklin is an American in heart and soul. You may trust him;—his ideas are not contracted within the narrow limits of exemption from taxes, but are extended upon the broad scale of total emancipation. He is explicit and bold upon the subject, and his hopes are as sanguine as my own, of the triumph of liberty in America. It would entertain you, if I could spare time to relate all that is said of me and my designs; but I have no leisure for amusements of this kind.'—*Letter to Mrs Quincy.* p. 250.

'December 6th. About ten this morning Mr Commissioner Morris waited on me, and staid an hour and a half. His conversation was much on the propriety of my laying down some line of conduct, to which the colonies would accede, and by which the present controversy might be amicably adjusted. He urged much my waiting *again* upon Lord North and Lord Dartmouth, and insisted upon the propriety and expediency of this step. I thought I could discern the origin and drift of this curious discourse.' p. 253.

'There never was a time in which I wished more "to speak without a tongue," and "to be heard without ears;" then, as Shakspeare expresses it, "in despite of broad-eyed, watchful day," "I would into thy bosom pour my thoughts." This kingdom never saw a time, in which the minds of all ranks were more upon the rack with expectation; and when I tell you that yesterday in the coffee-room adjoining the House of Commons, one of the ministerial members offered to lay a wager of seventyfive guineas to twentyfive, THAT BOSTON WAS NOW IN ASHES,—you will not think my own bosom free from anxiety! It is now more than two months, since any advices have been received from America, of the state of things in your province.'—*Letter to Mrs Quincy.* p. 255.

'December 12th. At the desire of Lord Shelburne (transmitted by Doctor Price) I waited on his lordship, and spent two hours in conversation on American affairs. His lordship appeared a very warm friend to the Americans, approved much of their conduct and spirit, and said if they continued united they must have all they ask. He said the ministry would not be able to carry on a civil war against America; that they began to hesitate and would be obliged to give way.

'His lordship confirmed my former intelligence of Governor Hutchinson's assiduity, assurance, and influence, but in the end observed that the eyes of the nation and ministry must soon be opened. He particularly said that Lord Mansfield, last session, assured the House of Lords, that the plan they had laid would go down in America, *sine clade;* and affirmed that he had the best intelligence what might be carried through there. Lord Shelburne intimated, that he had no doubt Lord Mansfield's opinion was grounded on Governor Hutchinson's information. I had before had a very similar account of Lord Mansfield's declarations in the House, from Mr Counsellor Allyne and Mr Arthur Lee.' pp. 264, 265.

'Let me tell you one very serious truth, in which we are all agreed, *your countrymen must seal their cause with their blood.* You know how often, and how long ago I said this. I see every day more and more reason to confirm my opinion. I every day find characters dignified by science, rank, and station, of the same sentiment. Lord ——— said to me yesterday, "It is idle, it is

idle, Mr ———; this country will never carry on a civil war against America, we cannot, but the ministry hope to carry all by a single stroke." I should be glad to name the lord, but think it not best. Surely my countrymen will recollect the words I held to them this time twelvemonth. "It is not, Mr Moderator, the spirit that vapors within these walls that must stand us in stead. The exertions of this day will call forth events which will make a very different spirit necessary for our salvation. Look to the end. Whoever supposes that shouts and hosannas will terminate the trials of the day, entertains a childish fancy. We must be grossly ignorant of the importance and value of the prize for which we contend; we must be equally ignorant of the powers of those who have combined against us; we must be blind to that malice, inveteracy, and insatiable revenge, which actuate our enemies, public and private, abroad and in our bosom, to hope we shall end this controversy without the sharpest—the sharpest conflicts; to flatter ourselves that popular resolves, popular harangues, popular acclamations, and popular vapor, will vanquish our foes. Let us consider the issue. Let us look to the end. Let us weigh and consider, before we advance to those measures which must bring on the most trying and terrible struggle, this country ever saw."

'Hundreds, I believe, will call these words, and many more of the same import, to remembrance. Hundreds, who heretofore doubted, are long ere this convinced I was right. The popular sentiments of the day prevailed; they advanced with "resolutions" to hazard and abide the consequences. They must now stand the issue,—they must preserve a consistency of character,—THEY MUST NOT DELAY,—they must ———————— or be trodden into the vilest vassalage, the scorn, the spurn of their enemies, a by-word of infamy among all men.'—*Letter to Mrs Quincy.* pp. 266—268.

'December 14th. Spent the evening with Mr Sayre, in company with Doctor Franklin and others. In the course of conversation Doctor Franklin said, that more than sixteen years ago, long before any dispute with America, the present Lord Camden, then Mr Pratt, said to him, "For all what you Americans say of your loyalty, and all that, I know you will one day throw off your dependence on this country; and notwithstanding your boasted affection for it, you will set up for independence." Doctor Franklin said, that he assured him no such idea was entertained by the Americans, nor will any such ever enter their heads, unless you grossly abuse them. "Very true," replied Mr Pratt, "that is one of the main causes I see will happen, and will produce the event."' pp. 269, 270.

'Permit me to congratulate my countrymen on the integrity and wisdom with which the Congress have conducted. Their policy,

spirit, and union have confounded their foes, and inspired their friends. All parties agree in giving them a tribute of honor and applause.' 'You cannot well imagine the chagrin with which the ministry received the result of that glorious body. They are viewed as the northern constellation of glorious worthies, illuminating and warming the new world. I feel a pride in being an American. Neither my affection nor zeal, in any degree, abates in the cause of my injured country.

'Doctor Price desires his very warm thanks to Doctor Winthrop for his letter, which has been read in Parliament, and did much good.'—*Letter to Mrs Quincy.* pp. 271—273.

'My dear sir, before I close, I cannot forbear telling you that I look to my countrymen with the feelings of one, who verily believes they must yet seal their faith and constancy to their liberties, with blood. This is a distressing witness indeed! But hath not this ever been the lot of humanity? Hath not blood and treasure in all ages been the price of civil liberty? Can Americans hope a reversal of the laws of our nature, and that the best of blessings will be obtained and secured without the sharpest trials?

'Adieu, my friend,—my heart is with you, and whenever my countrymen command, my person shall be also.'—*Letter to Joseph Reed.* p. 281.

'January 2d. This evening I had two hours' conversation with Colonel Barré, and from him I learned that he was once the friend of Mr Hutchinson, in opposition to Governor Pownall, but that he had for a long time, and especially since his last arrival in England, wholly deserted him. Colonel Barré, while we were viewing the pictures taken from ruins found at Herculaneum, said, "I hope you have not the books containing the draughts of those ruins with you." I replied, there was one set, I believed, in the public library at our college. "Keep them there," said he, "and they may be of some service as a matter of curiosity for the speculative, but let them get abroad, and you are ruined. They will infuse a taste for buildings and sculpture, and when a people get a taste for the fine arts, they are ruined. 'Tis taste that ruins whole kingdoms; 'tis taste that depopulates whole nations. I could not help weeping when I surveyed the ruins of Rome. All the remains of Roman grandeur are of works, which were finished when Rome and the spirit of Romans were no more, unless I except the ruins of the Emilian baths. Mr Quincy, let your countrymen beware of taste in their buildings, equipage, and dress, as a deadly poison."

'Colonel Barré also added in the course of conversation, "About fifteen years ago, I was through a considerable part of your country; for in the expedition against Canada, my business called me to pass by land through Pennsylvania, New Jersey, New York, and Albany. When I returned again to this country, I was often

speaking of America, and could not help speaking well of its climate, soil, and inhabitants; for you must know, sir, America was always a favorite with me; but will you believe it, sir, yet I assure you it is true, more than two thirds of this island at that time thought the Americans were all negroes!"

'I replied I did not in the least doubt it, for that if I was to judge by the late acts of parliament, I should suppose that a majority of the people of Great Britain still thought so; for I found that their representatives still treated them as such. He smiled, and the discourse dropped. Colonel Barré was among those, who voted for the Boston Port Bill.' pp. 289, 290.

The part taken by Colonel Barré on the Port Bill, has appeared strangely inconsistent with his uniform conduct, in every other instance, on American affairs. He partook, it appears, of the general indignation excited in England, by the destruction of the tea in Boston. It was considered as a culpable violation of private property, and unworthy of the high principle, which had gained to the American cause many distinguished advocates in England. Dr Franklin was so impressed with the unfavorable influence produced by this incident, that he wrote to influential men in Massachusetts, earnestly recommending payment for the property destroyed. This would probably have been done, if the severe measure of the Port Bill had not been so immediately adopted, or even afterwards, if the terms of that act had not precluded any hope or expectation of relaxation, though such payment should have been made.

Again, writing to Mrs Quincy, January 11, 1775, he says;

'In the nation you have many friends and hearty well wishers to your cause. The lords and commons are—*what they are;* but ANOTHER CHARACTER is in principle your adversary, and will never be reconciled to your deliverance, till he sees, what, peradventure, he will not wait long for, a spirit going forth, which compels rulers to their duty. I shall take care to keep you constantly informed of events as they rise. Very important ones must occur in a short time. The stanch friends of our country are here in high spirits. I should flatter your national vanity, if I told you all that is said and thought of Americans at this day; but the sentiments of this people are as fluctuating, and sometimes as boisterous as the ocean.' pp. 303, 304.

'January 20th. Attended the debates in the House of Lords. Good fortune gave me one of the best places for hearing, and taking a few minutes.

'Lord Chatham rose like Marcellus,—*Viros supereminet omnes.* He seemed to feel himself superior to those around him. His language, voice, and gesture were more pathetic, than I ever saw or heard before, at the bar or senate. He seemed like an old Roman senator, rising with the dignity of age, yet speaking with the fire of youth. The illustrious sage stretched forth his hand with the decent solemnity of a Paul, and rising with his subject, he smote his breast with the energy and grace of a Demosthenes.

'This great and astonishing character opened with some general observations, on the importance and magnitude of the present American quarrel, (as he called it). He enlarged upon the dangerous and ruinous events, that were coming upon the nation, in consequence of the present dispute, and of the measures, already begun and now carrying on by his majesty's ministers. He arraigned their conduct with great severity and freedom. pp. 318, 319.

Lord Chatham's speech is given at length in the journal, from Mr Quincy's notes taken at the time. He afterwards remarks, that he had great satisfaction in reading his reports of the debates in the House of Lords, to one or two friends who heard them, that they thought them very correct, and spoke of the blunders, omissions, and misrepresentations of the printed accounts. Dr Franklin, in a letter to Mr Quincy's father, observes, 'The notes of the speeches taken by your son, whose loss I shall ever deplore with you, are exceedingly valuable, as being by much the best account preserved of that day's debate.'

We continue the extracts from the journal.

'Lord Camden (undoubtedly the first common lawyer in England) spoke next on the side of America, and in support of the motion. He equalled Lord Chatham in everything but that fire and pathos, which are the *forte* of his lordship. In learning, perspicuity, and pure eloquence, probably no one ever surpassed Lord Camden.' p. 329.

'The Marquis of Rockingham also supported the motion. Lords Littleton, Suffolk, Gower, Townsend, Rochford, and Weymouth, spoke in opposition. I omit stating what their lordships said, lest I should be suspected by any, who may see this journal, of an unfair report of their speeches. But a very remarkable saying of Lord Gower I cannot omit. His lordship said, "My lords, I am for *enforcing* these measures; and" (with great *sneer* and *contempt*) "let the Americans sit talking about their natural and divine rights! their rights as men and citizens! their rights from God and nature!"

'The Duke of Richmond, in the course of his speech, said, "Some nobles seem to think that regular troops can easily vanquish raw soldiers. But, my lords, discipline was intended only as a substitute for what the Americans have already; attachment to their cause, virtue to inspire, a common cause, their all, to keep them to their duty. Americans will keep to their duty without discipline. They will keep to their standard without fear of discipline in case they desert it. My lords, Americans have the substance of what discipline is only the shadow. Discipline is only the substitute for a common cause, to attach through fear, and keep to their ranks and standard those, who would otherwise desert them. But, my lords, suppose you succeed, you cannot enforce these acts; you cannot force a government upon any people. You may spread fire, sword, and desolation, but that will not be government. You must change your places as you make your march of destruction. When you leave one place to subdue another, your government is gone."

'"You cannot force men to serve in office. You cannot force men to be counsellors, judges, or sheriffs. You cannot compel jurors to sit on trial. You cannot force juries to present offences; in short, no people can ever be made to submit to a form of government they say they will not receive."

'The house divided on the question about ten, after the preceding debates. Contents, eighteen; noncontents, seventyseven, including proxies.*

'The Duke of Richmond, Lord Shelburne, and Lord Camden, pledged themselves to attend at all hazards, and at all times, as Lord Chatham had done.' pp. 333—335.

'January 23d. Attended a long debate in the House of Commons on American affairs. Speakers for the Americans; Burke, Johnston, Charles Fox, T. Townsend, Lord J. Cavendish, Captain Lutterell, Alderman Sawbridge, &c.—eightytwo. Against the Americans; Sir William Meredith, Lord North, Lord Clare, Sir George Macartney, Sir G. Eliot, Lord Stanley, &c.—total one hundred and ninetyseven.

'This debate and division show that if king, lords, and commons can subdue America into bondage, against the almost universal sentiment, opinion, wish, and hope of the Englishmen of this island, the deed will be done.' p. 337.

'It is a good deal against my own private opinion and inclination, that I now sail for America. I have had no letter from there since they knew of my arrival. I know not what my next letters may contain. Besides the fine season is now coming on here, and

* The question was on Lord Chatham's motion, for an address to the King, for the removal of his majesty's forces from the town of Boston.

Dr Fothergill thinks Bristol air and water would give me perfect health.

'On the other hand, my most intimate friends (except Mr Bromfield) insist upon my going directly to Boston. They say, no letters can go with safety, and that I can deliver more information and advice *vivâ voce*, than could or ought to be written. They say, my going now must be (if I arrive safe) of great advantage to the American cause.

'March 1st. On this day I had about an hour and a half of private conversation with Dr Franklin, on the subject of the present situation of American affairs, and what course America, and especially New England, ought now and during the spring and summer to hold.' p. 340.

'March 3d. This day being the day before my departure, I dined with Dr Franklin, and had three hours private conversation with him. Dissuades from France or Spain. Intimate with both the Spanish and French ambassadors, the latter a shrewd, great man. By no means take any step of great consequence, unless on a sudden emergency, without advice of the continental Congress. Explicitly, and in so many words, said, that only New England could hold out for ages against this country, and if they were firm and united, in *seven years* would conquer them.

'Said, he had the best intelligence that the manufacturers were bitterly feeling, and loudly complaining of the loss of the American trade. Let your adherence be to the nonimportation and nonexportation agreement a year from next September, or to the next session of parliament, and the day is won.' pp. 341, 342.

Here the journal ends. It contains copies of several valuable letters to and from his American correspondents, which have not been mentioned. Among these are letters from his father, from Joseph Reed, Rev. Dr Chauncy, John Dickinson, James Lovel, Joseph Warren, Nathaniel Appleton, and Thomas Cushing. The letter from Dr Warren, as the author of the Memoir observes, 'is peculiarly interesting, because few similar records of his mind remain, and as it evidences, that the life he sacrificed on Bunker's Hill was offered, not under the excitement of the moment, but with a fixed and deliberate purpose. No language can be more decisive of the spirit, which predominated in his bosom. "It is the united voice of America to preserve their freedom, or lose their lives in defence of it."' The letter is dated Boston, November 21, 1774.

'As nothing interesting, which I am at liberty to communicate, has taken place since your departure from home, except such mat-

ters as you could not fail of being informed of by the public papers, I have deferred writing to you, knowing that upon your first arrival in London, you would be greatly engaged in forming your connexions with the friends of this country, to whom you have been recommended. Our friends, who have been at the continental congress, are in high spirits on account of the union which prevails throughout the colonies. It is the united voice of America, to preserve their freedom, or lose their lives in defence of it. Their resolutions are not the effect of inconsiderate rashness, but the sound result of sober inquiry and deliberation. I am convinced, that the true spirit of liberty was never so universally diffused, through all ranks and orders of people, in any country on the face of the earth, as it now is through all North America. The provincial congress met at Concord at the time appointed. About two hundred and sixty members were present. You would have thought yourself in an assembly of Spartans, or ancient Romans, had you been a witness to the ardor which inspired those, who spoke upon the important business they were transacting. An injunction of secrecy prevents my giving any particulars of their transactions, except such as by their express order were published in the papers; but in general you may be assured, that they approved themselves the true representatives of a wise and brave people, determined at all events to be free. I know I might be indulged in giving you an account of our transactions, were I sure this would get safe to you, but I dare not, as the times are, risk so important intelligence.

'Next Wednesday, the 23d instant, we shall meet again according to adjournment. All that I can safely communicate to you shall be speedily transmitted. I am of opinion that the dissolution of the British Parliament, which we were acquainted with last week, together with some favorable letters received from England, will induce us to bear the inconvenience of living without government, until we have some farther intelligence of what may be expected from England. It will require, however, a very masterly policy to keep the province, for any considerable time longer, in its present state. The town of Boston is by far the most moderate part of the province; they are silent and inflexible. They hope for relief, but they have found from experience, that they can bear to suffer more than their oppressors or themselves thought possible. They feel the injuries they receive,—they are the frequent subject of conversation; but they take an honest pride in being singled out by a tyrannical administration, as the most determined enemies to arbitrary power. They know that their merits, not their crimes, have made them the objects of ministerial vengeance. We endeavor to live as peaceably as possible with the soldiery, but disputes and quarrels often arise between the troops and the inhabitants.

'General Gage has made very few new manœuvres since you left us. He has indeed rendered the entrenchments, at the entrance of the town, as formidable as he possibly could. I have frequently been sent to him on committees, and have several times had private conversations with him. I have thought him a man of honest, upright principles, and one desirous of accommodating the difference between Great Britain and her colonies in a just and honorable way. He did not appear to be desirous of continuing the quarrel, in order to make himself necessary, which is too often the case with persons employed in public affairs; but a copy of a letter via Philadelphia, said to be written from him to Lord North, gives a very different cast to his character. His answer to the provincial congress, which was certainly ill judged, I suppose was the work of some of that malicious group of harpies, whose disappointments make them desirous to urge the governor to drive every thing to extremes; but in this letter (if it be genuine) he seems to court the office of a destroyer of the liberties, and murderer of the people of this province. But you have doubtless read the paper, and thought with indignation on its contents.

'I wish to know of you how affairs stand in Great Britain, and what was the principal motive of the dissolution of Parliament. If the late acts of Parliament are not to be repealed, the wisest step for both countries is fairly to separate, and not spend their blood and treasure in destroying each other. It is barely possible that Britain may depopulate North America, but I trust in God, she never can conquer the inhabitants; and if the cruel experiment is made, I am sure, whatever fortunes may attend America, that Britain will curse the wretch, who, to stop the mouths of his ravenous pack of dependants, bartered away the wealth and glory of her empire.

'I have not time to say more at present, than to assure you that from this time you may expect to hear from me, news or no news, by every vessel, and that my earnest wish is that your abilities and integrity may be of eminent service to your country.' pp. 204—209.

Dr Franklin did not continue long in England after the departure of Mr Quincy. He remained until all hope of the adoption of the mild and reconciliatory measures, which he so studiously promoted, was dissipated, and then returned to share in the impending dangers of his country. These two eminent men, like the elder and younger Pliny, held high converse together, as on the brink of a volcano. The fate attending the ancient worthies was reversed. The aged Franklin survived for many years, and witnessed the independence of his country. Mr Quincy did not live to reach

his beloved home. A hurried, incoherent letter, written on the British coast, and another at sea, on the 21st of April, prepare us for the sad scene which ensued. The last was written at his dictation, by a seaman, who paid devoted attentions to the interesting sufferer. 'It was a letter, full of the most interesting and affecting communications to his family and nearest friends. This letter still exists among his papers, in the rude hand writing of an illiterate sailor.' To this seaman he repeatedly said, 'that he had but one desire and prayer, which was that he might live long enough to have an interview with Samuel Adams and Joseph Warren; that granted, he should die content.' From his last letter some interesting extracts are given in the Memoir.

'My going to America at this time was very considerably against my inclinations, especially as Doctor Fothergill was of opinion, that Bristol waters would be of great advantage to me. But he did not dissuade me from going to America, but advised it very strongly in preference to my staying in London, or its environs.

'The most weighty motive of all, that determined my conduct, was the extreme urgency of about fifteen or twenty most stanch friends to America, and many of them the most learned and respectable characters in the kingdom, for my immediately proceeding to Boston. Their sentiments what ought to be the conduct of Boston, and of the continent, at this, and the approaching season, I had heard very often in the social circle; and in what things they differed, I perfectly knew. It appeared of high importance, that the sentiments of such persons should be known in America. To commit their sentiments to writing, was neither practicable nor prudent at this time. To the bosom of a friend they could intrust what might be of great advantage to my country. To me that trust was committed, and I was, immediately upon my arrival, to assemble certain persons, to whom I was to communicate my trust, and had God spared my life, it seems it would have been of great service to my country.'

'Had Providence been pleased, that I should have reached America six days ago, I should have been able to converse with my friends. I am persuaded that this voyage and passage are the instruments to put an end to my being. His holy will be done!' pp. 346—348.

To recall to view the sad and affecting circumstances, attending the departure of that exalted spirit, is a melancholy office. We would follow, in silent musings, the filial steps of his biographer, then an orphan child, unconscious of his loss,

and who now, after the lapse of half a century, performs the pious duty of recording the life and death of his father, with vivid affection; presenting his revered image, in the best expression, to the admiring view of his beloved country.

Mr Quincy expired on the 26th of April, 1775. A few hours afterwards, the ship bearing his remains arrived at Gloucester. There the funeral rites were performed, in gloomy unison with the storm of war, which he so often foreboded, and which had then commenced. The body was afterwards conveyed to Braintree, and deposited in the burial ground at that place.* On the death of his widow, in 1798, a monument was erected to their memory by their son, furnished with an appropriate epitaph, written by John Quincy Adams, concluding with the following lines.

'STRANGER,
In contemplating this monument, the frail tribute
Of filial gratitude, and affection,
Glows thy bold breast with patriotic flame?
Let his example point the paths of fame!
Or seeks thy heart, averse from public strife,
The milder graces of domestic life?
Her kindred virtues let thy soul revere,
And o'er the best of mothers drop a tear.'

* Mr Quincy's will bears date February 28, 1774. Francis Dana, Jonathan Jackson, John Adams, William Phillips junior, and John Lowell, were named executors. A specific legacy to his son is characteristic, and indicates the school to which he was devoted. 'I give to my son, when he shall arrive to the age of fifteen years, Algernon Sidney's Works, John Locke's Work, Lord Bacon's Works, Gordon's Tacitus, and Cato's Letters. May the spirit of liberty rest upon him.' Two thousand pounds were bequeathed to Harvard University, in case his son should die in his minority, as a foundation for a Professorship of Moral Philosophy, Law, and Oratory.

Art. X.—CRITICAL NOTICES.

1.—*Ode for the Celebration of the Battle of Bunker Hill, at the Laying of the Monumental Stone, June* 17, 1825. By Grenville Mellen. 8vo. pp. 16. Boston. Cummings, Hilliard, and Co. 1825.

This, being an occasional ode, suffers of course, under the unfavorable circumstances attending such productions. There is usually on these festal or national occasions, even too much competition among the brothers of the lyre. They fairly overwhelm the literary public, somewhat in the way, in which a crowd of spectators may be supposed to press on the hero of the occasion. The excitement of good or grateful feelings, too, renders everything, which adorns or heightens them, agreeable at the time, without very unkind examination, and when those excited feelings have past, these performances are apt to be forgotten with them. What a myriad of odes and poems a great national event inspires, especially in those countries, where the poetic ranks are formed by bands of professional veterans, instead of our thin partisan corps Scores of volumes might have been done up, from the monodies and elegies on Charlotte of England, or the triumphal odes on Waterloo, and how little of all could now be easily remembered, except Lord Byron's share of both. Having, however, been often pleased and sometimes delighted, with certain former occasional pieces of Mr Mellen, we read the 'Ode on Bunker Hill,' when it appeared, and have found it highly superior to much of the poetry which that occasion produced.

It is an omen of the poetic aspiration of the author, to attempt the ode, more especially in these matter of fact times, when even the least regular of its forms must have method in its fine madness. It was permitted to Pindar, to give a stanza or two to the subject of his piece, and then to diverge through all the tangles of the mythology, guided in the labyrinth by a thread, which it requires very fine optics to see. Thus in the third Pythian ode, we should imagine Hiero must have thought the bard rather long in coming to his theme, and as having quite as much to say of Chiron as himself. It is something as if a modern poet should open an ode to Napoleon, of more than two hundred lines, by a hundred devoted to the art of printing, and finally bring in the hero, with some such brief apothegm, as that 'Xerxes the great did die.' This irregularity of allusion and digression, corresponded in some measure to the license Lord Byron allowed himself, in some of his

later poems. In the ancient ode, the name or city of the hero was authority for allusion enough, to bring in the history of the family or city, the circumstances attending the foundation of the latter, and the lives and history of the colonists. Nay, if ever other hero had done or suffered the like before, he is sure to be introduced, not as an example, or illustration only, but through all the details of his birth and parentage. Thus in a Pindaric Ode on the battle of Bunker Hill, it would be indispensable to begin with General Putnam, and relate his birth, family, and education; the annals of Pomfret would be run through, and its great men eulogised; the Indian adventures of the General, and particularly his thorough roasting at their hands, would follow; this would lead to the burnings at Smithfield; from Queen Mary to Spain, from Spain to the colonies, and the cruelties practised on the natives; this to the African slave trade, and that back again to the negro servant of the General, who 'declined the hazardous service' of shooting a wolf in his own den, afterwards performed by the hero. It is needless to pursue the illustration farther. We have in fact alluded to this difficulty, as one additional cause, why this most brilliant and lofty walk of the art has not been trod with more success.

Mr Mellen's Ode has the fault of being written to be spoken and not sung. The very irregular stanza, which is permitted to this species of production, becomes unpleasant without the musical cadence, which cannot exist where the passage has not been written with an accompaniment. This it is, in the lighter style of song writing, which has given Moore one of the most exquisite charms of his songs, a delightful privilege of possessing the two talents, 'the words, the harper's skill at once.' And by the usual compensation of all natural gifts, it is this which makes his long poems, whole operas without the music, dull forced marches without flute or bugle. This Ode, also, for we will close this unpleasant duty at once, has the error of attempting to render each passage equally brilliant in execution, whatever is the character of the sentiment expressed. Like the glowing pictures of David, the great French artist, the effect of many modern poems is bright and romantic, but not lasting. There has been, and is, so much fine talent in these later ages enlisted in literature, that the writer, especially a student, despairs of success but from efforts, which have a dangerous tendency to produce an unnatural effect. The young artists at Rome, of the most delicate taste, are said to wander among its matchless works, with desponding admiration, and pass by afraid to deviate from what they cannot equal, and will not imitate. This perfectly natural sentiment is not confined to one of the fine arts, but pervades the age of improvement, when that of invention has passed. The young poet reads his master

in the painful delight with which the artist views his model. Some sacrifice their original conception, which might have been striking or grand, to the perfection of execution, well knowing that without great skill in the forms of poetic expression, no strength or tenderness can be pleasing, but forgetting that this facility of art comes not from *study for that effect*, but from habit unconsciously acquired, while the attention was better employed.

This mistake is trifling, compared with another, from which Mr Mellen is free, that of those writers, who suppose originality also is to be acquired by study, and who make the absurd attempt to say in a manner no one else would have said, what no one else would have thought. This folly is abundantly exemplified in the works of some of our writers. Any man, who chooses so idly to expose himself, may throw together ideas, epithets, and illustrations, in a connection which is new, as any one can cast together a hundred letters of the alphabet in a combination, which was probably never seen, and the exploits are equally honorable. What is it to the world, that an author has hit on a combination of thoughts he considers new? The reader has no interest in the poet, or his discoveries; but that which he can create by his strength or beauty, and it belongs to the worst delusion, to make the public a party in this way to our own fanciful egotism.

Mr Mellen's Ode opens with a highly poetical description of the appearance of both armies. The following is an animated and brilliant passage.

'The patriot blades are out—uplifted high,
Their pennons on the blue
Broadly unfold their thousand stars,
To Telegraph the band
To Death, or Victory!
While on their foe's astonished view,
Appear *our banner's flaming bars*,
As though to guard the Eden of the land!
How idle is ambition now—
Ambition grasping at the air—
The war-storm scowling o'er its brow
Upon a world so young and fair!
What though ye doom to sword and fire,
The feasts of Desolation;
The *Spirit* still survives the pyre,
That blazing on through son and sire,
Will yet illume the nation.

. . . . . .

Now deeper roll the maddening drums,
And the mingling host like ocean heaves;
While from the midst a horrid wailing comes,
And high above the fight the lonely bugle grieves!
Woe to the reddening spirits now,
That war for slavery and crowns—
For chains and jewelry!

For Freedom's withering frowns
Look night upon them, while her brow,
Forth issuing from her stormy hair,
Beams like a beacon through a rended sky,
On giant arms and bosoms bare!'

There follows a stanza descriptive of the firing of the town, which is perhaps subject to the objection we have alluded to above, of being overwrought. The requiem to Warren is very beautiful, without any of the faults of Mr Mellen's manner.

'But ah! along that trembling steep,
The sorrow of stern hearts is swelling;
The patriot band! they weep—they weep
A hero to his dwelling.
Warren hath past to his eternal sleep
In honor's shroud;
And as the faithful cluster round
His hallow'd clay,
Forgotten are the battle sound—
Insulted hopes—invaded homes—
The desolated temple's falling domes—
Until the big collected grief gives way,
And pale Columbia's genius weeps aloud.
Oh! England, if there ever came
O'er thee the blush of generous shame;
If through some dim but coming year,
When musing upon days like these,
Thy glowing memory linger here,
'Twill redden all thy island seas!'

The poem is concluded by a few stanzas, full of the generous and noble sentiments, which the occasion of erecting that monument with those auspices must inspire, among which our departed guest, the delight of Liberty, is not forgotten.

2.—*A Discourse delivered before the Society for the Commemoration of the Landing of William Penn, on the 24th of October*, 1825. By C. J. Ingersoll. Philadelphia. 8vo. pp. 36. R. H. Small.

It is no wonder, that the memory of Penn should be cherished with deep reverence in the state which bears his name, and in the city founded by his enterprise and wisdom. His, indeed, is a name dear to America, and honorable to the best principles of human nature. The records of his deeds in this country adorn the fairest pages of American history, and his first interviews with the natives, on the banks of the Delaware, are among the very few events of the kind, in our early annals, on which the imagination loves to dwell. The first settlers generally lacked discretion and modera-

tion, almost as much as they abounded in zeal and enterprise. The colonists in Virginia brought arms and warlike preparations, and soon made an enemy where they did not find one; and the pilgrims of New England landed with muskets on their shoulders, and presented themselves in the attitude of war, to the first body of natives they encountered. Penn came with the olive branch of peace; he met the rude sons of the forest as men, having the passions of men, and spoke to them in the accents of humanity and justice. It was a language, which they understood, and its influence was effectual; it tamed the fierce spirit of war, paved the way for an amicable treaty, and procured the unbounded and lasting respect of the Indians, for the founder of the colony of Pennsylvania.

Near the beginning of his discourse, Mr Ingersoll has inserted in a note a curious extract from Penn's writings, which explains the origin of the name given to his colony. The passage is contained in a letter, dated January 5, 1681. 'This day,' says Penn, 'after many waitings, watchings, solicitings, and disputes, in Council, my country was confirmed to me under the Great Seal of England; with large powers and privileges, by the name of Pennsylvania—a name the King would give it in honor of my father. I chose New Wales, being a hilly country; and when the Secretary, a Welchman, refused to call it New Wales, I proposed Sylvania, and they added Penn to it; though I much opposed it, and went to the King to have it struck out. He said 'twas past, and he would take it upon him; nor could twenty guineas move the under Secretary to vary the name; for I feared it should be looked on as a vanity in me, and not as a respect in the King to my father, as it really was. Thou may'st communicate my grant to Friends, and expect shortly my proposals. 'Tis a dear and just thing, and my God, that has given it me through many difficulties, will, I believe, bless and make it the seed of a nation. I shall have a tender care to the government, that it be well laid at first.' This pledge was not forgotten; he spent some time in this country, and spared no exertions to establish such a system of government, and put such laws in operation, as he believed would be best adapted to ensure the prosperity of the colony.

In commemorating the landing of William Penn, it was thought by Mr Ingersoll, that he could not render a more grateful tribute to his memory, than to enumerate some of the remarkable features in the growth of Philadelphia. The increase, and the present flourishing condition of that city, are most gratifying mementos of the labors and foresight of its great founder. Mr Ingersoll has given us a highly graphic picture of the progress of Philadelphia in arts, commerce, manufactures, internal police, wealth, refinement, literary, scientific, and benevolent institutions, and in whatever contributes to advance the numbers, prosperity, and happiness of a

people. His delineations are those of a close and thoughtful observer not only of events, but of the springs of social action, and the principles which regulate the economy of life. We have not space to dwell on particulars, and must content ourselves with the following extract, which is clothed in a style, and expresses sentiments, peculiarly characteristic of the author.

'In the crucible of liberty, all the languages of Europe have been melted into one. In the temple of toleration, all religions have been sanctified. The forests of a continent have been weeded with sturdy hands, till its wilds have become the ways of pleasantness, and the paths of peace. With stout hearts and apt genius, the ocean has been tamed till it is part of the domain.

'Plenty empties her full horn into the lap of tranquillity. Commerce fetches riches from every latitude. The earth and mountains are quick with inexhaustible productions. Domestic industry contributes its infinite creations. Poetry, history, architecture, sculpture, painting, and music, daily add their memorials. Yet these are as nothing. *Vix ea nostra voco*—enjoyments scarcely acknowledged—all local advantages would be disregarded, if they were not recommended by the religious, social, and political principles we enjoy with them.

'Let us cultivate, and vindicate, and perpetuate this country, not only by the power and sympathies of heroic exploits, but by the nobler attractions of all the arts of peace. Ours is the country of principles, not place; where the domestic virtues reign, in union with the rights of man; where intense patriotism is the natural offspring of those virtues and rights; where love of country is a triple tie, to birthplace, to state, and to union, spun in the magic woof that binds calculation to instinct. Aloof, erect, unmeddling, undaunted, it neither envies nor fears, while justly estimating, the splendid and imposing ascendency of the continent it sprung from. It sends on every gale to Europe the voice, not of defiance or hostility, but of an independent hemisphere of freemen. It sends to Asia the riches of commerce, and the Gospel with healing on its wings. It sends to Africa the banner spangled with stars, to awe the tyrant and protect the slave. It sends to all benighted quarters of the globe, the mild but divine radiance of an irresistable example. It invites the oppressed of all nations and degrees, from dethroned monarchs and banished princes, to fugitive peasants and destitute laborers, to come and rest within these borders.

'May the sciences and refinements which embellish and enlighten, the charities that endear, and the loyalty that ennobles, forever flourish here on the broad foundations of peace, liberty, and intelligence. And among increasing millions of educated, moral, and contented people, may the disciples of Penn, Franklin, and Washington, meet together in frequent and grateful concourse, to render

thanksgivings to the Almighty for the blessings we enjoy by his dispensation.' pp. 33—36.

On former occasions we have given our opinion of Mr Ingersoll's style of composition, and habits of thought. These are in many respects peculiar. His language is strong and pointed, disdaining ornament and studied elegance, loaded with no superfluous epithets, and attracting rather by the force of its expression and richness of facts, than by its embellishment or rhetoric. It inclines a little to the hyperbolical, particularly in descriptions, and the choice of words is not always consistent with good usage. In the present discourse we have, among other anomalies, *centrality*, and *pioneering;* and the author speaks of the water brought into Philadelphia, as '*vouchsafing* it from extensive conflagrations.' This looseness we are sorry to see in such a writer. Men of literary intelligence and attainments should be the last, to deviate from the established use of words; corruptions will creep in fast enough from other quarters; and this is one of the cases, in which the wise and the learned should keep far behind the multitude.

3.—*Annals of Portsmouth, comprising a Period of two hundred Years from the first Settlement of the Town; with Biographical Sketches of a few of the most respectable Inhabitants.* By Nathaniel Adams. Portsmouth. Published by the Author. 1825. 8vo. pp. 400.

The form of Annals is the most unpretending, but by no means the least useful or agreeable mode of writing history. Besides embracing a greater variety of facts, and finding a place for minute particulars, which would be necessarily passed over in a connected narrative, it has a more striking appearance of life and reality by uniting the great and the small, the grave and the gay, in the same chronological series. The historian, like the landscape painter, selects a few prominent objects, groups them together for effect, and places them in the foreground in a strong light; while the annalist presents us with drawings of individual plants and trees. We look to the one for the results of thought, and to the other for the materials of thinking.

The character and views of the first settlers of Portsmouth were materially different, from those of the founders of Plymouth and Massachusetts colonies. They were men of business, sent out by Mason and his associates for the purposes of trade; and though they soon acquired a portion of the religious zeal of their neighbors, they were never thoroughly imbued with the spirit of the Puritans. There is an amusing account of this difference given in page 94. 'A. D.

1691. A reverend divine preaching against the depravity of the times, said, "You have forsaken the pious habits of your forefathers, who left the ease and comfort which they possessed in their native land, and came to this howling wilderness to enjoy without molestation the exercise of their pure principles of religion." One of the congregation interrupted him—"Sir, you entirely mistake the matter; our ancestors did not come here on account of their religion, but *to fish and trade.*"'

Still, however, there are traces of the fathers of New England, which cannot be mistaken. '1662, September 25. At a town meeting, ordered that *a cage be made*, or some other means invented by the Selectmen, to punish *such as sleep*, or *take tobacco on the Lord's day* out of the meeting, in the time of the public exercise.'

'1671, July 24. The Selectmen agree with John Pickering to build a cage twelve feet square, with stocks within it, and a pillory on the top, a convenient space from the west end of the meeting house.'

The abomination of taking tobacco, however, seems not to have been checked by these vigorous measures, for the next year we find a vote of the town, which shows but a faint opposition to this crying sin. '1672, March 12. Voted that if any shall smoke tobacco *in the meeting house*, at any public meeting, he shall *pay a fine of five shillings* for the use of the town.'

While on this subject, we may remark the liberal allowance of tobacco, which was furnished to the colonists by the English proprietor. In the inventory of the goods and implements belonging to the plantation taken in July 1635, under the head of provisions, we find the following articles; 140 bushels of corn, 8 barrels oatmeal, 32 barrels meal, 15 barrels malt, 29 barrels peas, 153 candles, 610 lbs. sugar, 512 *lbs. tobacco*, 6 pipes wine, 170 gallons aqua vitæ, 2 chirurgeon's chests, all 'to be delivered to Henry Joselyn, Esq. by command of Captain John Mason.'

John Mason manifested in everything a most liberal spirit; and though his claim to the soil of New Hampshire involved him in endless controversies with the inhabitants, and rendered his name extremely odious for several generations, the time is not far distant when justice will be done to his memory. Mr Savage, in his recent edition of Winthrop's Journal, has proved conclusively, that the celebrated Indian deed to Wheelwright, which was supported as a valid title against the claim of the heirs and grantees of Mason, was a forgery; and Mr Adams, in his appendix, has preserved some original documents, which shew how little regard was paid to the property, or rights of the proprietor.

'Francis Small, of Piscattaway in New England, planter, aged sixtyfive years, maketh oath, [September 8, 1685,] that he hath lived in New England upwards of fifty years; that he very well

knew the plantations Captain Mason had caused to be made at Piscattaway, Strawberry Bank, and Newichewanock; and that there was a great stock at each of those plantations. And this deponent doth very well remember, that Captain Mason sent into this country eight Danes to build mills, to saw timber, and tend them, and to make pot-ashes; and that *the first sawmill and cornmill in New England was erected at Captain Mason's plantation at Newichewanock* upwards of fifty years.' 'That about forty years since, this deponent, with others, was employed by Captain Francis Norton, (who then lived at Captain Mason's house at Piscattaway, called the Great House,) to drive about one hundred head of cattle towards Boston, and the said Captain Norton did go with the cattle; that such cattle were then usually sold at five and twenty pounds the head, money of England. And the said Norton did settle himself at Charlestown, near Boston, and wholly left Captain Mason's plantation, upon which *the other servants shared the residue of the goods and stock among them*, which were left in that and the other plantations, and *possessed themselves of the houses and lands*. And this deponent doth verily believe, that from the cattle sent hither by Captain Mason, most of the cattle in the Provinces of New Hampshire and the Main have been raised.'

This statement is confirmed by the depositions of Nathaniel Boulter, and John Redman, given at the same time, who add 'that such cattle were commonly valued at five and twenty pounds the head, being very large beasts of a yellowish color, and said to be brought by Captain Mason from Denmark.'

There is a curious passage in the testimony of 'George Walton of Great Island, in the Province of New Hampshire, aged seventy years or thereabouts,' taken Dec. 18, 1685, before Waltar Barefoot, Deputy Governor, which sufficiently explains the true cause of the opposition to Mason and his family. After relating how Norton, Captain Mason's agent, had robbed him of one hundred head of cattle, he adds, 'that thereupon the rest of the stock, goods, and implements, belonging to Captain Mason's plantation, were made away by the said servants and others; and this deponent knows, that to the Great House at Piscattaway aforesaid, there were adjoining about one thousand acres of improved land, marsh, meadow, and planting grounds, which were *divided and parcelled out by the servants of Captain Mason*, and others, the select or prudential men, (of the town of Portsmouth,) as they were so called, who still enjoy the same, or their heirs and assigns * * * * and the said Great House by the means aforesaid came to decay and fell down, the ruins being yet to be seen, out of which several good farms are now made. And this deponent doth very well remember, that the said Captain Mason had made a great plantation at a place called Newichewanock, about sixteen miles from that of Piscattaway, which by the means

aforesaid was ruined, and *shared among several of the said Captain Mason's servants* and others. And this deponent doth further say, that to his particular knowledge, the servants sent over by Captain Mason, of which some are living, and those descended from them, which are many, have been and are *the most violent opposers of the now proprietor*, Robert Mason, Esq.'

It should be remembered, that at the time of this general 'sharing' of the Mason estate, Captain John Mason was dead, and his heirs were minors, residing in England. It is probable that the following singular fact had some connexion with these transactions.

'1652. This year the Selectmen examined the old town books; and *what was not approved was crossed out*, and what was approved was left to be recorded in a new book.'

But enough of this; in a few years we find a better spirit prevailing. In 1669 the inhabitants of Portsmouth subscribed sixty pounds a year for seven years, to contribute towards the erection of a new building in Harvard College; and in 1671 the first church was organised, under the care of the venerable and pious Joshua Moody.

Mr Adams has enriched his work with several biographical sketches, which must render it peculiarly interesting to the inhabitants of Portsmouth, and which are valuable to all, for the light they throw upon the manners and institutions of our country. We select the following as a fair specimen.

'1781. The honorable William Parker departed this life April 29th, aged seventyseven. He was born in this town in the year 1703, received the rudiments of his education in one of the public schools, and, at the age of fifteen, became an apprentice to his father, who was a tanner. He made himself thoroughly acquainted with that business, but relinquished it soon after he came of age, and was employed for several years as master of one of the public schools. In his leisure hours he pursued the study of the law, and was admitted to the bar in the year 1732. When the commissioners met at Hampton, in 1737, to settle the line between this province and Massachusetts, they appointed him their clerk. He afterwards received a commission from Governor Belcher to be Register of Probate, and his knowledge of the law enabled him to discharge the duties of that office with great ability. He was also appointed Surrogate Judge of Admiralty; and was for many years the only Notary Public in the province. In August, 1771, he received a commission, appointing him one of the Justices of the Superior Court of Judicature for the province; which office he held until the commencement of the revolution.

'Judge Parker was esteemed a well read and accurate lawyer; but his studies were not confined to the law. He gave much of his attention to classical literature, and the belles lettres, in which he made great proficiency. In 1763, the corporation of Harvard Col-

lege conferred on him the degree of Master of Arts, and in their vote, they direct it to be expressly mentioned in his diploma [that it was given] '*pro meritis suis, although he never had a public education.*' In his diploma it is thus expressed, 'licet non Academiæ instructum, generosum, nihilominus in rebus literariis scil. classicis, philosophicis, etc. egregie eruditum.'

Of the famous Robert Metlin, or Macklin, as he is called by Belknap, who lived to the extraordinary age of one hundred and fifteen years, we find the following anecdote under the year 1787, at which time he was a baker in Portsmouth. 'He usually bought his flour in Boston, and always travelled thither on foot; he performed the journey in a day, the distance being then about sixtysix miles, made his purchases, put his flour on board a coaster, and returned home the next day. He was eighty years of age, the last time he performed this journey. At that time, this was thought an extraordinary day's journey for a horse. The stages required the greatest part of two days. Colonel Atkinson, with a strong horse in a very light sulky, once accomplished it in a day. He set out early in the morning, and before he reached Greenland, overtook Metlin, and inquired where he was bound. Metlin answered, to Boston. Atkinson asked if he ever expected to reach there; and drove on. Atkinson stopped at Greenland, and Metlin passed him; they alternately passed each other every stage on the road, and crossed Charlestown ferry in the same boat, before sunset.'

We have no room for any further extracts, except the following, which is valuable as a statistical document, and shows how little the price of corn and silver has varied in nearly a century and a half.

'1680. Taxes were commonly paid in lumber or provisions at stated prices, and whoever paid them in money was abated one third part. The prices for this year were as follows;

Merchantable white pine boards	£ 0	30	0	per m.
White oak pipe staves	3	0	0	„ „
Red oak do.	0	30	0	„ „
Red oak hhd. staves	0	25	0	„ „
Indian corn	0	3	0	„ bush.
Wheat	0	5	0	„ „
Malt	0	4	0	„ „
Silver	0	6	8	„ oz.'

4.—*A History of the United States, from their first Settlement as Colonies, to the close of the War with Great Britain, in* 1815. New York. C. Wiley. 12mo. pp. 336.

The highest literary enterprise, which now presents itself for the exercise of industry, talent, and learning in this country, is a his-

tory of the United States. It has been the fashion to doubt, whether the time had yet come, in which an impartial and well digested history could be executed. Such doubts we think should continue no longer. Time is required to bring facts to light, to soften down the rough aspect of events, and to create a medium through which the mind can look back with cool and tranquil judgment, divested of passion and unbiassed by partiality. For all these purposes time enough we conceive has elapsed; and all the essential materials may now be obtained, and all the advantages possessed, which ever can be, for a history of the first order down to a period, at least as late as the beginning of the present century. The person now living, who would undertake so arduous a work, can hardly be supposed to have his opinions, or his feelings, so much interested in the causes and results of the great political parties, which ran high thirty years ago, as to be subject to any undue influence on his judgment from either of these sources. And when you go back to the revolution, everything is fully ripe for the most finished history; and previously to that period we have all the valuable materials, which can be supposed to exist, even to the earliest twilight of our antiquity.

A thoroughly philosophical history is wanted, a history of man, his mind, opinions, social habitudes, and political devices, when thrown into states of society, unknown in former ages, and in the old countries. The events of American history are peculiar. Beginning with the origin of our colonial existence, and descending through all the gradations of our political progress, till the miracle of our present national government was accomplished, we behold a series of remarkable events, and a developement of the human character, for which we look in vain to the acts of any other people, whether recorded in ancient or modern story. The character of our ancestors was peculiar, they came here for peculiar motives, they formed associations on novel principles, and maintained them in a manner, and with a spirit, which no other people have done. The colonial history is full of interest, full of singularity; the part acted by the natives of the soil is an extraordinary scene in the drama. The movements, which led onward to the revolution, the events of that great crisis itself, and the consequences flowing from it, are all among the most dignified and fertile themes of history.

But it would be no easy task, with adequate powers and untiring industry, to compose such a history, as the past progress and present state of the country demand. A thorough acquaintance would be requisite, not only with English history, but with the general history of Europe at the time of the discovery of America and since. To trace the advancement of our political institutions, a complete knowledge of the republics of antiquity, and of succeeding ages, would be necessary, as well as a just estimate of the

characteristics and the influence of the principles of freedom, wherever they have made any impression. Then the mass of facts relating to our own country, of which the texture of the history is to be woven, is immense, and scattered over a wide and unexplored field. The works and documents, in which they are contained, have never been brought together or methodised; no individual has pushed his researches through them, nor even been so adventurous as to attempt a summary of their prominent parts. Till very recently such an undertaking would hardly have been in the power of any one. The works on American history could not be found within a practicable compass. This obstacle is at length happily removed. Since the famous Ebeling Library has been purchased and transferred to Harvard College, by the munificence of Mr Thorndike, and the Warden Library has been added, also as a donation, by Mr Eliot, it is believed that copies of nearly all the works, illustrating the history of North America, may now be found in the library of the College. If to these we add other books of this description in the Boston Athenæum, and the library of the Massachusetts Historical Society, both of which are particularly rich in the treasures of American history, it is probable that no book of much value will be wanting, to complete a perfect list on this subject. Whoever would write a history of the United States, that will do honor to the country, as an able developement of its progress and resources, and delineation of its remarkable features, and as occupying an elevated niche in the temple of its literature, must necessarily have constant access to these collections. Let no man contemplate such a project, whose meridian years have been long numbered, nor flatter himself when he begins, that his declining sun will find him at the end of his wearisome task.

The little volume, whose title has called forth these remarks, comes upon us with no high pretensions; it is a simple narrative of facts, put together in a plain way, and intended for schools. For such a purpose it seems well suited, although it is a difficult thing to compress so much matter into so small a space, with a due attention to a just proportion of parts. The author's plan is, first to give a separate history of each of the old colonies; then in succession an account of the French war from 1756 to 1763; of the revolution, which secured our independence; the transactions of the old congress and the adoption of the constitution; the administrations of the different Presidents; and a detailed narrative of the events of the last war. All these things are accomplished in a duodecimo volume of three hundred and thirtysix pages. The mechanical divisions of the chapters are conveniently arranged, for the use of reading classes in schools. In short, as an epitome of the history of the United States, designed for young readers, we know not that a better work than this has appeared.

5.—*A Sermon, preached at St Philip's Church, August* 21, 1825. By Christopher E. Gadsden, *on the Occasion of the Decease of General Charles Cotesworth Pinckney.* Charleston, S. C. 8vo. pp. 31. A. E. Miller.

Among the names, which are illustrious in the revolutionary and political annals of this country, that of Charles Cotesworth Pinckney holds a distinguished rank. This veteran in the cause of American independence and liberty, has died within the last year, leaving behind him a fame, which his cotemporaries have honored, and which posterity will cherish. Another light is extinguished, which shone brightly in the deep gloom, that hung at one time over our national destiny; another head is laid low, which was erect and firm amidst the perils, that exhibited an appalling aspect even to the wisest and the bravest. We can do no justice to this theme in the brief space, which at present is at our command, and shall merely add a few facts collected from Mr Gadsden's discourse.

Charles Cotesworth Pinckney was born in February, 1746. His father, Charles Pinckney, was a man of eminence, holding the office of Chief Justice, and being one of the King's Council. His mother was a daughter of George Lucas, Governor of the Island of Antigua, and it is recorded of her in Ramsay's History of South Carolina, that the culture of indigo was introduced into that province through her agency. The son was educated in England, first at Westminster, and then at Oxford. His law studies were pursued at the Temple in London, and he acquired military knowledge by his travels on the continent. 'As the strength of his mind rescued him from prejudice, so his virtuous principles prevented foreign attachments. He was an early, decided, and devoted promoter of the revolution, courting the scenes of difficulty and danger, and choosing to be the companion of Washington. The friendship of these illustrious individuals was never interrupted, and the younger enjoyed a series of marks of confidence, commencing with his appointment as *aid de camp*, greater than were bestowed upon any other man.' After the organisation of the government, General Pinckney was on two occasions invited to hold a place in the cabinet, once as Secretary of War, and once as Secretary of State. He was sent on a foreign mission of great importance, and 'it was as minister to France,' observes Mr Gadsden, 'that he is said to have uttered the sentiment so consistent with his high character; *Millions for defence, but not a cent for tribute.*' The command of the army, which was given to St Clair, was previously offered to him in 1791. He received from President Adams the appointment of Major General of the army. In the Appendix is an interesting account of the part he took, in the South Carolina State Convention of 1778, particularly as an advocate for religious toleration and liberty.

Speaking of General Pinckney as a patriot of the first order, Mr Gadsden remarks;

'That the honored dead had this love of country, we know not from his professions, not so much from his services and sacrifices, great as they were, as from two incidents by which it was remarkably *tested.* [?] When war was declared against France, the second command, contrary to the reasonable expectations of many, was given not to General Pinckney, but to one who had been his junior in the army of the revolution. The third place in command was tendered to him, and he promptly accepted of it. His services were needed, and he would not withhold them. It may well be questioned, whether there was another man whose patriotism, in the conflict with self esteem and martial pride, could have thus memorably triumphed. The other instance occurred in the last war, when, differing from some with whom he had long concurred in political sentiment, who were perhaps incapable of a like magnanimity, he recommended his friends, who consulted him, to accept of military appointments, and declared, notwithstanding his advanced age, that he was prepared to do his part in the conflict. It would be aside from our purpose to shew that such a declaration, from such a man, at such a crisis, was invaluable. It belongs to history to calculate the amount of his claim, accumulated through a long life, on the public gratitude. But we must remark, that it beautifully harmonised with his whole conduct, and proved that the sentiment of which we are speaking was deeply rooted in his soul. Ambition has been called the infirmity of noble minds, and pride seems almost inseparable from elevated distinction. If he had these vices, it is gratifying to find them overcome, when the question was between them and the country.' pp. 12, 13.

Mr Gadsden has drawn an interesting portrait of the character of General Pinckney, in all its relations, both as it was displayed in the humbler walks of private life, and in the high places of public trust. A biographical work, comprising the acts of General Pinckney, and an account of the events in which he was engaged, would be an acquisition to American history highly to be prized; and it is hoped, that such a tribute to his memory, and such a gift to his country, will not be withheld.

6.—*Register of Debates in Congress, comprising the leading Debates and Incidents of the Second Session of the Eighteenth Congress; together with an Appendix, containing the most Important State Papers and Public Documents, to which the Session has given Birth; to which are added the Laws enacted during the Session, with a copious Index to the whole.* Volume I. Washington. Gales & Seaton. Large 8vo. pp. 504.

After examining this volume, the purposes of which are fully expressed in the title, the first reflection that occurs is, how the public has been so long contented without some work of a similar kind. As furnishing a history of the proceedings of Congress, and the transactions of the general government, both in the minuteness of detail and copiousness of facts, the editors' plan embraces everything, that is wanted. The materials are arranged in a natural order, and the method is throughout perspicuous. The body of the work is occupied with an abstract of the debates in Congress, each subject being introduced in chronological sequence, as it was taken up in the House of Representatives, or the Senate, and the debates are presented in the same order. This part of the volume thus becomes a record of the opinions of the members of Congress, and their reasons for these opinions, on all the important topics discussed during the session. The Appendix contains the Messages of the President, and the public documents accompanying them; the reports of the secretaries of the Departments; the reports of the Committees of Congress on subjects of importance; correspondence between public functionaries relating to our foreign and domestic concerns. Then come the laws passed during the session, and tables showing the state of our navigation and commerce. An Index serves as a key to the whole, and directs the inquirer immediately to any point he wishes to ascertain.

The great utility of such a work, not only to statesmen and politicians of all ranks, but to every general reader, is too obvious to need a single remark. The editors, in their preface, express apprehensions that the experiment is a hazardous one, but we doubt not these apprehensions will prove unfounded. It is a work of labor, expense, and trouble; we believe the demand will be such as to render a generous compensation for all these, if not immediately, at least within a short time. The value of such a book will increase every year in a rapid ratio, and it will soon be found to be a necessary appendage to all public, and most private libraries. The editors suggest, that experience may enable them to introduce improvements. This is possible, though we see no room for dissatisfaction with the work in its present form and garb; and we confidently hope they will be encouraged to continue

an undertaking, so creditable to themselves, and so eminently useful to the country.

It would be a great thing, if the hint should be taken from this beginning, to extend the plan to the state legislatures. A work, which should embrace the annual messages of the governors in the different states, and some of the most important documents accompanying them, and also an abstract of the proceedings of the legislatures on those subjects, which are calculated to have a permanent effect on the institutions of any state, or which have a national bearing, such a work, in connexion with Gales and Seaton's Debates, would constitute as perfect a historical register of passing events, as could be desired. The whole might be compassed in two volumes, not exceeding in dimensions the volume of debates. Such a work, moreover, would tend to give solidity to the government, by diffusing political information, and inducing a uniformity of action in the different legislatures. It would be a record of the opinions, and a repository of the wisdom, of our statesmen in every part of the Union, and the light elicited by each would serve to illuminate and guide all the others.

7.—*A Lecture delivered at the Opening of the Medical Department of the Columbian College, in the District of Columbia; March* 30, 1825. By Thomas Sewall, M. D. Professor of Anatomy and Physiology. Washington City. 8vo. pp. 80.

By an admirable union of industry and good judgment, Dr Sewall has contrived to condense into a single discourse, an abstract of the history of the medical science, and a complete body of the medical statistics, of the United States. We know not where so large a mass of curious and instructive facts, on any one subject, can be found within the same compass, as is here collected, on the progress of medicine in this country. The lecturer begins by showing, that almost nothing was done, in the way of medical improvement, during the first century and a half after the landing of the original settlers. For many years, it was customary for clergymen to perform the office of physicians, and regular and well directed modes of practice gained ground very slowly in the colonies. The causes of this slow advancement of the science are briefly, but satisfactorily explained by Dr Sewall. In addition to the unfavorable circumstances attending new settlements, the period would appear to have been one, in which medicine was at a low ebb, and nearly at a stand, throughout Europe.

The first medical school in this country was founded at Philadelphia, in the year 1765. From that time the science began to advance with rapidity, and many eminent men have been found in ranks of the profession, who have sustained its dignity, and contributed to its improvement. The schools of New York, Harvard College, Dartmouth College, and of Maryland, were successively established, the last in 1807. Since that date, there have been twelve other medical schools instituted in different parts of the United States, all of which are now in successful operation. 'One hundred and fiftyeight years of our history elapsed,' says Dr Sewall, 'after the first settlement of America, before a single medical school existed in the country. In the fortyseven years that followed, five medical schools were founded, and in the twelve succeeding years, which period completes our history, no less than twelve have been added to the number. Sixty years ago, when but one school existed in the country, only ten students enjoyed the benefit of medical lectures. Twelve years afterwards, when only five schools were established, not more than five hundred students attended lectures; while the sixteen medical schools now existing impart instruction to nearly two thousand pupils.' Besides these schools, there are in the different states twenty Medical Societies, incorporated by the legislatures, and embracing a large proportion of the most respectable physicians in the Union. These societies are 'formed for the regulation of the practice of physic, and the suppression of quackery,' and their tendency is to produce a good understanding and harmony among the members of the profession.

The *Notes* to Dr Sewall's Lecture contain many interesting particulars, respecting the science of medicine in this country, and particularly biographical sketches of a large number of our most eminent physicians.

8.—*A Discourse delivered in the Chapel of Nassau Hall, before the Literary and Philosophical Society of New Jersey, at its first Annual Meeting, September* 27, 1825. By Samuel Miller, D. D. Princeton. 8vo. pp. 40. D. A. Borrenstein.

Few pens in this country have been more prolific in various branches of theology, than that of Dr Miller; but his labors have not been confined to that department. His *Retrospect of the Eighteenth Century* is a work, which manifests deep research into the political, literary, and scientific history of that period, and though hastily composed, considering its magnitude and the immense variety of its topics, yet it contains a body of facts and

reflections highly useful, as illustrating the progress of the human mind during the eighteenth century. We know not any single work, which exhibits the picture within the same space, or more likely to produce a just impression, as to the comparative advancement of the various kinds of knowledge and invention. In the first volume of the *Collections of the New York Historical Society for the year* 1809, there is also a dissertation by Dr Miller, on the first discovery of New York, containing a full account of Verrazzano's voyage.

And we now have before us another effort of his to promote the cause of literature and science. An association has recently been formed, with the name of 'The Literary and Philosophical Society of New Jersey,' and it was in celebration of the first anniversary of this Society, that the present discourse was pronounced. The author takes a broad range, going back to the time of Plato, and showing the great advantages then resulting from the associations of learned men, in the Academies and Porches of Greece. He comes next to the origin of literary and scientific societies in modern Europe, speaks of their wide influence, and represents them as having been important instruments of intellectual improvement. A brief history of the few societies of this sort, which have arisen in our country, brings him to the New Jersey Society just founded, and a statement of its objects and duties. These are neither few nor trivial. They extend to all the main subjects of historical, philosophical, and physical research, as well as to exertions more peculiarly literary; and their weight and value are well explained by the author. He opens fields for inquiry, which allows ample room for action to the most enthusiastic members of the Society, however various their talents, or ardent their zeal, or intense their thirst for knowledge.

9.—*Gramática Completa de la Lengua Inglesa, para Uso de los Españoles.* Por Stephen M' L. Staples, A. M. Philadelphia. Carey & Lea. 12mo. pp. 276.

A great merit of this Grammar is the accuracy, with which the idioms of the English and Spanish languages are compared, through all their grammatical forms. Its particular object is to teach the English language to Spaniards, but it may be consulted with much advantage by students of the Spanish. The author takes special pains to exhibit the powers of the letters of the alphabet, as they are expressed in the two languages, and with no little success. His fault is a tendency to too much refinement, and an attempt to designate sounds, which can only be communicated by the living voice. It is possible, however, that the defect of stop-

ping short of the point, to which he has gone, would be as great a fault. The subject is not an easy one to manage, and will be differently regarded according to the ear and judgment of every individual.

The parallel view, which Mr Staples takes of the parts of speech in the two languages, is skilful and satisfactory. His rules are explicit; in some parts too numerous, but commonly definite and pertinent. His notes, which are written in English, are judicious; brief in matter and pointed in manner. The chapter *De los Idiomas* is remarkably full, and it would not be easy to find a more complete list of the idiomatic uses of English verbs and prepositions. These are all explained by parallel Spanish phrases. The author states a broad position, when he says, in his preface, that 'the English surpasses all other languages in the regularity and multiplicity of its significant initials and terminations.' We will not stop to contest the point, but we distrust its accuracy. In short, we deem it essentially incorrect, and presume our opinion to be sufficiently supported, by citing the Greek, or even the Hebrew, if the author means by 'significant initials and terminations,' what are commonly understood by prefixes, and suffixes, either in the character of indeclinable particles, or declinable pronouns. That the English has fewer roots, and a greater number of compound derivative words, than any other language, is a new doctrine in philology.

10.—*Adam's Latin Grammar, with some Improvements, and the following Additions; Rules for the right Pronunciation of the Latin Language; a Metrical Key to the Odes of Horace; a List of Latin Authors arranged according to the different Ages of Roman Literature; Tables, showing the Value of the various Coins, Weights, and Measures, used among the Romans.* By Benjamin A. Gould. Master of the Public Latin School in Boston. 12mo. pp. 284. Boston. Cummings, Hilliard, & Co. 1825.

The experience of successful and eminent instructers can best determine the merit of a grammar, designed to be a Manual in schools. In the common opinion, Adam's Grammar has well answered its end. If any other is preferred, we are not aware that it can either communicate much more, which is wanted, or even desirable, in a school book; or present, on the whole, a more convenient arrangement, in the parts of it which are to be committed to memory, or in those which are useful for occasional reference.

The present edition has appeared under more favorable auspices, than the majority of our manuals has enjoyed. It is a singular good fortune to secure for such a work, the supervision of an experienced teacher, and an exact scholar, to see each little syllable, with its marks of quantity and accent all entire, safely through the perils of the press. The edition, as it might be expected, has the merit of being uncommonly accurate, and the form of the printing, both for neatness and convenience, is not to escape without commendation, because it makes humble pretensions. For, in truth, many school books, and almost every Greek or Latin author reprinted here until within a very few years, literally abound with errors of the press; so that often pupil, and teacher too, have given the name of a beautiful anomaly (*curious felicity* indeed!) to some printer's blunder. As to points, accents, and the like, they seem to have fallen out of the text as promiscuously, as travellers from Mahomet's bridge; and sometimes they come into it, like uninvited guests at a supper; more worthy, than they among the ancients, of the name of *umbræ*, for the shadow which they cast on the meaning.

But this edition, besides the merit of being printed with great fidelity and exactness, furnishes rules for pronouncing Latin, similar, in general, to those which have been used at Harvard University for two or three years. The basis of these is Analogy, as explained by Walker, in his Key to the pronunciation of proper names. The want most sensibly felt was, of some rule for determining the sounds to be given to the vowels. Walker resolved to make the analogy of his own language his guide in these. He left, however, two points unsettled. One of these was the sound of *es* and *os*, when final syllables. A custom had grown up so commonly of giving these terminations the long sound, (that of *ese* and *ose* pronounced in one syllable,) that the ear recoiled from any innovation. In the rule for the sound of the vowel, (p. 244,) Mr Gould makes an exception of 'plurals' in *os* to a general rule, that if a monosyllable end in a consonant, the vowel has the *short* sound; and he instances in *nos* and *hos*. But if there were reason to make this exception, it should be so comprehensive, as to include also the termination *es*, both singular and plural. For *res* is as commonly pronounced *rese*, as *hos* is pronounced *hose*. Besides, what reason can there be for limiting the exception to plurals? Can there be a propriety in giving to the same termination two distinct sounds, and only to distinguish the number? Must *hos* and *nos* be pronounced differently from *os*, *cos*, and *mos?* This seems at least to be arbitrary.

But we are better pleased with making no exceptions to the rule, that the termination in every consonant has the vowel sound short. For, in the first place, it is universally admitted to be true

of every consonant but *s*; and of *s* too, with every vowel but *e* and *o*; (*mas*, *rem*, *rebus*, *honor*, *pennis*, are never pronounced *mase*, *reme*, &c.) and this is evidently the analogy of our language; and, secondly, it is as plainly not the analogy of our language to make the termination *es* and *os* long. Instances in monosyllables, are *mess*, *loss*, *moss*, in English. In a large proportion of words, *es*, the plural termination, forms one syllable with the singular, as in the word *mates*. In all other words, (Latin words of course excepted,) *es* has the *short* sound, as in *farces*; and more purely in *happiness*, *unless*, where the doubling of the *s* has no effect on the vowel sound.

How this custom, of giving the long sound to the vowels in the terminations *es* and *os*, thus opposing the analogy of the vernacular tongue, could have been so general, is a point for conjecture and argument only. It is no explanation, that the Greek primitives in *es* were often in η and ω, and therefore the adopted or derivative Latin word should preserve this sound, unless it is likewise reasonable, that the Latin derivative or adopted word should retain its short sound, when the Greek termination in *es* and *os* has ε and ο. For example; if *Adarces* must be pronounced Adarc*ese*, because the Greek (Ἀδάρκης) has *e* long (η); then *Dœmones* should be pronounced Dæmon*ess*, because the Greek (Δαίμονες) has *e* short (ε). But the fact is, that in both cases, the termination has been pronounced long. And Walker, against his great principle, analogy, has given it this sound, in his English Dictionary, in all Latin and Greek derivatives, without exception. Now it is sufficiently apparent, that to pronounce every final *es* and *os short*, can be no greater neglect of the original Greek terminations, than it is to pronounce them *long*; and, therefore, as we are left to decide the point by analogy alone, the preference of the short sound is natural and just; and the rule admits of no exception. For there is reason for refusing to make a distinction, to suit each various termination of the Greek. Besides its making the knowledge of another language essential to the pronouncing of the Latin, and besides its want of support or parallel in our own, it would impose no easy task on the memory of the best trained scholars; it would provide no rule for other words, not thus derived; and, what is still more worthy, we think, of observation, it would introduce two opposite ways of pronouncing the very same Greek vowel; as for instance, the η in *Semele*, in which the genitive, would be pronounced Semel*ese*, but in the accusative, Semel*en*, not Semel*ene*. Being left then to analogy, we confidently pronounce *timentes* like δδόντες; and feel as little remorse in the change, as in pronouncing *tibi* and *sibi* like *mihi*, and *lini*, and *cibi* (food,) and every other word of a similar kind, instead of making an exception in favor of those sounds, which custom has permitted

to intrude among the stately measures of a language, commonly esteemed to convey to the ear a sense of its dignity.

But both Walker and Adam have omitted, what, in a future edition, we recommend to the present editor to supply. On page third of the Grammar, the remark of Walker is repeated, that 'in dividing words into syllables we are chiefly to be directed by the ear.' But no answer is given to the question what directs the ear itself. The answer is obvious; the ear is directed to form a syllable by a determinate sound, which the analogy of our own language gives to every vowel so situated as it is in that syllable. Rules founded on this analogy, must first show the sound of the vowel to be either the *long* or the *short*. If this be done, the rule for the formation of syllables will be simple. When the sound is long, the vowel ends the syllable; when the sound is short, the consonant, next following, ends the syllable. On the accent, and its place, we find but one opinion. For scholars and grammarians have had reason to conclude, that the accent was determined by the quantity of the word, when it consisted of more than two separate vowels; that if the quantity of the penultimate vowel was long, it was accented, (Diomedes, Putsch, p. 426,) but if otherwise, the antepenultimate, (Diomedes gives a tribrachys in proof, *melius;*) that the first of only two separate vowels, (id. p. 427,) that is, in a dissyllable, whatever its quantity, is accented; and that these, whatever were the popular corruptions in speaking, were probably acknowledged to be the legitimate places for the accent in the age of Cicero. 'Apud Latinos duo tantum loca tenet [sc. accentus acutus] penultimum et antepenultimum.'*

The rule, therefore, is established; although undoubtedly, while a language is vernacular, the deviations from it must be frequent; from motives of convenience, (as, for example, two senses of the same word, with the same quantity, could be marked by a different accent, 'causa discretionis,' Diomed. p. 428, that is, for the sake of distinguishing the sense; see Zumpt's Grammar, p. 390,) or in consequence of the vulgar cant, which always soils, in some degree, the flow of a spoken language. But when that tongue is no longer in use, and the occasion for such deviations, for convenient intercourse with various classes of men, has passed away with themselves, we can recur to the plain principle which is definite, while the departures from it are not capable of being distinctly traced out.

We will dwell on the subject of Latin pronunciation only a moment longer. If any one aim at a degree of accuracy, beyond what these rules of analogy supply, he might as well aim his

* Diomed. Priscian almost copies him, pp. 1186, 1287—8. Donatus, p. 1739. Cledonius Victorinus, p. 1888. Beda, 2358.

arrow, with the Indian, to bring down one of the stars. Professor Zumpt, of Berlin, supports the necessity of a distinction in dissyllables, between the sound of *Roma* and *homo*, which is to indicate that in *Roma* the penultimate is long, and in *homo* it is short. 'We must endeavor' he says, (page 390, of Kenrick's Translation of his Grammar,) 'to give the first syllable [of dissyllables, he means, in which it has the short quantity] that percussion of the voice which constitutes the accent, without lengthening the vowel, or yet doubling the following consonant.' That is, the proper sound of *homo*, is neither *hom-mo*, nor *ho-mo*, but an unknown something between them! If one wishes to be satisfied of the futility of such an endeavor, we beg leave to refer him to a note of Perizonius, on Sanctius, (Minerva, p. 22, et seqq. Amst. 1714). He will be able to judge, with what wisdom a modern would strive to obey these teachers of uncertain sounds; where one tells us, that *suaveque*, (with the accent on *e*, on account of the enclitic,) is to be pronounced not *suavéque*, much less, *suavéque*, but something different from both; and a second, Vossius, (a great name,) thinks, that the ancients gave two primary accents to the antepenultimate and penultimate, in the words *exadversum* and *aliquando*, in opposition, however, to the authority of Cicero and Quintilian, who state that in every word there can only be one primary accent, (τόνος). It is not, however, to be denied, that some distinction of this kind may have existed; but the proper ground is, that it is now lost, unattainable, and needless. *Edo* and *esito*, (as the critic has cited from Gellius,) were distinguished by a sound of the former, which was neither the ε nor the η of the Greek. It was probably a provincialism. Those who employed it are in their graves. Let it lie buried with them, since they have neither told us *why* nor *how* we are to use it. But lest any presumption should be laid to the charge of the followers of Walker, in his view of the vowel sound and accent, we will add, for their solace, a passage from the critic now cited, who has a claim to be heard, if only because he was the pupil of that High Treasurer of literature, old Grævius. The following, then, are the words of Perizonius, on those distinctions of sound above described. 'Certe talia hæc sunt, quæ melius forsan ex continuo pronunciandi auditu et usu cognosci diu potuerunt, quam a nobis nunc ex grammaticorum præceptis percipi.' And respecting accent, his words are, 'illi [sc. Priscianus, etc.] omnem rationem accentûs seu toni in pronunciando retulerunt ad quantitatem syllabæ penultimæ. *Quod et antiquiores Romanos fecisse nullus dubito.*' Perizon. in Minerv. p. 25.

Mr Gould has furnished the rule of accent, in correspondence with what seems to us the only rational view of the subject. In general, too, it is with judgment, that the minor changes, and less

important additions, on which the editor has spent his diligence, have been made. It was desirable to omit that lumber, the English part of this Grammar, which no English scholar would be content with, and no Latin scholar could want. After a careful examination, we venture an opinion, that to every instructer it will appear the best edition of Adam, which can be obtained. The pupil, from the almost perfect accuracy of the quantity of each syllable, will escape the danger of needing, perhaps, a month's correction of an error, which has been forced on him by the printer's carelessness, after having formed his ear to it by frequent repetitions, in committing the word to memory.

It might be less useful than invidious to bring into a very close comparison, the more recent grammars of the Latin tongue. But a class of books have borne this name, which have affected great philosophical nicety in arranging the various sentences, with an eye much more to system, than to the age, power, and disposition of the pupil. We presume that the grammar of our own language (and probably that of the Greek,) has been neglected, in consequence of that air of abstraction, which too studiously accurate definitions, and general remote deductions from many particulars, have imparted to many elementary books. The language, too, of many of these, is apparently addressed to those whose minds are in some respects opened to metaphysical speculation. Some relics of this creep through the best of our manuals.

In Adam's Grammar a few defects yet remain. The use of some words is either obsolete, or only known to readers of metaphysics. Affections, for example, are one thing to a boy who loves his mother affectionately, and quite another to one who has just read Adam Smith, or Cogan on the Passions. It is true, that the meaning in our language is restricted, from that of the primitive. Whatever the mind did, no less than what it was affected by, was undoubtedly expressed, to a Roman ear, by the primitive.* But is any boy awake to this notion, when he repeats, 'Verbal adjectives, or such as signify an affection of the mind, govern the genitive?' And well may he pause in wonder to find *ignarus*, and *stupidus*, arranged among the words which signify affections.

The language of a book for boys should be simple and explicit. It will not answer to speak of words in *concord*, or under *government*, when common usage confines these words to different occasions. It is enough to say, that a verb is of the same person and number as its nominative, (to show a correspondence in two points;) that an adjective assumes a form corresponding to the gender, number, and case of the substantive which it qualifies; and

* *Afficio*, i. e. *ad* and *facio*. What the mind *does to* a thing, as well as what the thing *does to* or *makes for* the mind.

that two substantives meaning the same thing correspond in case. But fortunately, the good sense of most pupils, by means of studying examples, struggles through the darkness of rules, in which common words are used in uncommon senses. The exceptions to be made to the language of Adam's Grammar are the less important, as it is abounding in examples, which teach the syntax sometimes in despite of the rule.

A grammar for schools should be distributed in a simple order; and experience must determine each instructer for himself, which of several methods of arrangement is to be preferred. It has appeared to us, that, in some more recent Latin grammars, the nice care to preserve a scientific order has pleased scholars, who made no account of the difference, in the power of receiving pleasure or benefit from it, between boys and men. The arrangement in Adam is natural and perspicuous. And in one respect, decidedly, the grammar of Dr Adam has an advantage above every other within our knowledge. He has been uniformly faithful to an object, ever to be kept in view by the writer of grammars for schools, namely, to make the pupil familiar with established rules, and the no less established exceptions, in which all writers are alike; and a failure in making the *exception* is no less, than in transgressing the *rule*. In other grammars of merit, and especially in some by German authors,* the rule is either not exhibited distinct from the exceptions, the memory flies from rule to rule, and cannot alight; or else the exceptions, which make the very idiom of the language, are mingled with a crowd of those, which, if not ἅπαξ λεγόμενα of a single author, and which a new recension of manuscripts may exclude, are peculiar to only a few writers, and those not perhaps among the safest authorities.

But, while we thus prefer Adam's Grammar for an advantage of so much moment, we may be expected to admit, that others have traced infrequent idioms with a delicacy of critical *tact*, and collected them with a degree of industry, not found nor required in the grammars for schools. It is far from us to underrate the services which men, whose time has been spent in such inquiries, have rendered to the cause of letters. Grammar, in its wide sense, forms a branch of subtle philosophy.

* This fault has impaired the value of the grammar of Professor Zumpt; but Bröder's *Abridgment* of his own has some advantage over it, in point of clearness. It is the best of the smaller school grammars, which we have had an opportunity of seeing.

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A Greek and English Lexicon of the New Testament, from the Clavis Philologica of Christ. Abr. Wahl, late Senior Pastor of Schneeberg, now Superintendent of Oschaz, Saxony. By Edward Robinson. 8vo. pp. 582. Andover. Flagg & Gould.

The Christian Instructer, containing a Summary Explanation and Defence of the Doctrines and Duties of the Christian Religion. By Josiah Hopkins. New Haven, Vt. 12mo. pp. 312. Middlebury, Vt. J. W. Copeland.

A Sermon, delivered in the Second Presbyterian Church, Pittsburgh, Penn. Oct. 16, 1825, in Aid of the Funds of the Western Missionary Society. By Elisha P. Swift. 8vo. Pittsburgh. D. & M. Maclean.

TOPOGRAPHY AND STATISTICS.

Pocket Guide for the Tourist and Traveller, along the Line of the Canals, and the Interior Commerce of the State of New York. Second Edition, with Additions and Corrections. By Horatio Gates Spafford, L. L. D. New York.

Report of the Canal Commissioners of the State of Illinois, made to the General Assembly on the 3d of January, 1825, and the Law to Incorporate a Company to open a Canal, to connect the Waters of Lake Michigan with those of Illinois River. 8vo. pp. 27.

VOYAGES AND TRAVELS.

A Journal of a Tour around Hawaii, the largest of the Sandwich Islands. By a Deputation from the Mission on those Islands. 12mo. pp. 264. Boston. Crocker & Brewster.

The improvements, which have taken place among the inhabitants of the Society Islands and the Sandwich Islands, during the last twenty years, are among the remarkable events of the age. It is a new thing in the history of man, for savages to be civilised and christianised by direct efforts. In these islands, indeed, the problem, whether such an effect could be produced at all, has been solved for the first time. When Cook visited the inhabitants of these islands, few of the human family were more degraded in morals and intellect; but now, by the exertions of missionaries residing among them, and by their intercourse with people from civilised parts of the world, they have become acquainted with many of the arts of life and practise them, they have learnt reading and writing, abolished idolatry, reformed their governments, and are rapidly establishing institutions calculated to secure and increase their social improvement and happiness.

The tour around the island of Hawaii, or Owhyhee, (the island on which Captain Cook was killed,) is of a highly interesting character It was performed by Messrs Ellis, Thurston, Stewart, Bishop, and Goodrich. 'The Journal was drawn up by Mr Ellis, from minutes kept by himself, and by his associates on the tour, who subsequently gave it their approbation.' These gentlemen enjoyed the best opportunity for observing the habits of the people, their modes of living, and moral condition, and also the physical structure, and the natural productions of the island. In all these respects the information contained in this Journal is novel, and will be highly gratifying both to the inquisitive and benevolent reader, who loves to contemplate the works of the Creator in all their variety, and to witness the efforts of philanthropic men for the improvement of the human race. In a future number we shall recur again to this 'Journal,' and speak more at large of its contents, and the curious topics they suggest.

AMERICAN EDITIONS OF FOREIGN WORKS.

The Precepts of Jesus, the Guide to Peace and Happiness. By Rammohun Roy, of Calcutta. New York. B. Bates.

Universal Geography. By M. Malte-Brun. No. VII. 8vo. Boston. Wells & Lilly.

An Exposition of the Natural System of the Nerves of the Human Body. By Charles Bell. 8vo. Philadelphia. Carey & Lea.

William Tell; a Play in five acts, as performed at the Park Theatre. By James S. Knowles. New York. E. M. Murden.

The Christian Father's Present to his Children. By J. A. James. 2 vols. 18mo. Boston. Crocker & Brewster.

Tremaine, or The Man of Refinement. 3 vols. 12mo. Philadelphia. E. Littell.

The Elements of English Composition. By David Irving, LL. D. Second American Edition. 12mo. pp. 312. Georgetown, D. C. James Thomas.

The Works of the Rev. Richard Cecil, M. A. late Rector of Bisley, &c.; with a Memoir of his Life. Arranged and Revised,

with a View of the Author's Character; by Josiah Pratt. 3 vols. 12mo. Boston. Crocker & Brewster.

Works of Maria Edgeworth. Vol. XII. containing 'Early Lessons.' 8vo. Boston. S. H. Parker.

A Theoretical and Practical Arithmetic, &c. Translated from the French, improved, and adapted to the Currency of the United States, by Noble Heath. Baltimore. S. S. Wood & Co.

Merivale's Chancery Reports. 3 vols. 8vo. New York. O. Halsted.

The Latin Reader. Part Second, chiefly from the fourth Edition of F. Jacobs, and F. W. Doering. 12mo. pp. 162. Boston. Cummings, Hilliard, & Co.

Rhetorica de Valero. 1 vol. 18mo. New York. Behr & Kahl.

Letters on the Elementary Principles of Education. By Elizabeth Hamilton. In two volumes. Third American Edition. Boston. Samuel H. Parker. 12mo.

A Practical Treatise on Rail Roads and Carriages. Illustrated by four Engravings and numerous useful Tables. By Thomas Tredgold, Civil Engineer. New York. 8vo. pp. 183. E. Bliss & E. White.

Blair's Outlines of Chronology, Ancient and Modern, &c. Hartford. S. G. Goodrich.

A Sermon on the Lord's Supper. By Andrew Kippis. 12mo. pp. 31. Salem. J. R. Buffum.

The Story of a Life. By the Author of 'Scenes and Impressions in Egypt and Italy,' &c. 1 vol. 12mo. pp. 452. Boston. Richardson & Lord.

The Tales of the Genii, translated from the Persian. By Sir Charles Morell, with Memoirs of the Author, 2 vols. 18mo. New York. D. Mallory.

Memoirs of the Countess de Genlis, &c. Written by herself. Vol. II. 8vo. New York. Wilder & Campbell.

Babylon the Great, a Dissection and Demonstration of Men and Things in the British Capital. By the Author of 'The Modern Athens.' 2 vols. 12mo. Philadelphia. Carey & Lea.

The Troubadour, Catalogue of Pictures and Historical Sketches, By L. E. L. Author of 'The Improvisatrice.' Philadelphia. Carey & Lea.

The Life and Exploits of the ingenious Gentleman Don Quixotte de la Mancha, translated from the original Spanish of Miguel de Cervantes Saavedra. By Charles Jarvis, Esq. To which is prefixed a Life of the Author. 4 vols. 18mo. New York. Evert Duyckinck.

The Adventures of Telemachus, from the French of M. Fenelon. Translated by Dr. Hawkesworth. 2 vols. 18mo. New York. D. Mallory.

Practical Morality; or a Guide to Men and Manners, consisting of Lord Chesterfield's Advice to his Son, &c. 18mo. pp. 233. New York. George Long.

The Iliad of Homer. Translated by Alexander Pope. 2 vols. 18mo. New York. W. Borrodaile.

An Essay on the Nature and Immutability of Truth, in Opposition to Sophistry and Scepticism. By James Beattie. 8vo. pp. 320. New York. G. & C. Carvill.

C. Cuspi Sallustii Opera, omissis Fragmentis, omnia; ad optimorum exemplarium fidem recensita. Animadversionibus illustravit P. Wilson, L. L. D. Litt. Græc. et Lat. etc. in Collegio Columbiano Neo-Eboracensi nuper Professor. Editio Quarta. Recensuit notasque suas adspersit Carolus Anthon, in eodem Collegio Litt. Græc. et Lat. Prof. Adj. 8vo. pp. 234. New York. G. & C. Carvill.

The Works of Virgil, translated by Dryden. 2 vols. 18mo. New York. W. Borrodaile.

The Vicar of Wakefield; a Tale by Oliver Goldsmith. 18mo. pp. 232. New York. George Long.

Essays and Poems. By Oliver Goldsmith, with a Memoir of the Author. 18mo. pp. 215 New York. D. Mallory.

Archæologia Græca; or the Antiquities of Greece. By John Potter, D. D. First American from the last Edinburgh edition. With a Continuation of the History of Greece, &c. By Charles Anthon. New York. 1 vol. 8vo. Collins & Co.

A General View of the Manners, Customs, and Curiosities of Nations, &c. By the Rev J. Goldsmith. Revised by the senior publisher. 2 vols. 12mo. New Haven. I. Babcock & Sons.

English Grammar, adapted to the different Classes of Learners. By Lindley Murray. 12mo. pp. 312. Bridgeport, Ct. J. B. Baldwin.

History of the Church of England, from the earliest Periods to the present time; being chiefly an Abridgment of Grant's. By the Rev Edward Rutledge, A. M. 8vo. pp. 820. Middletown, Ct.

Reciprocal Duties of Parents and Children. By Mrs Taylor. Boston. 18mo. pp. 144. James Loring.

English Synonymes, explained in Alphabetical Order, &c. By George Crabb. From the third London Edition, revised and corrected. 8vo. New York.

The Ancient History of the Egyptians, Carthaginians, Assyrians, Babylonians, Medes and Persians, Macedonians, and Grecians. By C. Rollin. 2 vols. 4to. Boston. Samuel Walker.

Another Edition of the same work. 8 vols. 12mo. Philadelphia. W. W. Woodward.

Another Edition. 4 vols. 8vo. New York. W. Borrodaile.

A Treatise on Derangements of the Liver, Internal Organs and Nervous System; Pathological and Therapeutical. By James

Johnson, M. D. First American from the second London edition. 8vo. pp. 221. Philadelphia. Carey & Lea.

Napoleon and the Grand Army in Russia; or a Critical Examination of Count Philip De Segur's Works. By General Gourgaud. Translated from the French by a gentleman of Philadelphia. 8vo. Philadelphia. A. Finley.

The Scottish Chiefs, a Romance. By Miss Jane Porter. 3 vols. 18mo. Exeter. Gerrish & Tyler.

C. Cornelli Taciti Historiarium Libri Quinque; cum Libro de Germania, et Vita Agricolæ, cum notis Barbou. 12mo. pp. 299. New York. S. King.

The Works of Flavius Josephus. Translated by William Whiston, A. M. 4 vols. 8vo. Philadelphia. W. W. Woodward.

An Abridgment of the History of England. By Dr Goldsmith. Continued to the Present Time, by several Gentlemen. Stereotype edition. 12mo. pp. 324. Boston. T. Bedlington.

Domestic Medicine, &c. By William Buchan, M. D. &c. To which is added a Family Herbal. A new edition, revised and amended. By John G. Coffin, M. D. 8vo. pp. 652. Boston. Phelps & Farnham and N. S. Simpkins.

The Poetical Works of James Montgomery. 4 vols. 18mo. Boston. T. Bedlington.

A History of the Christian Church. By the Rev William Gahen. Philadelphia. E. Cummiskey.

History of the Reformation, in four Cantos. By Thomas Ward, Esq. Philadelphia. E. Cummiskey.

Juliana Oakley, a Tale. By Mrs Sherwood. 18mo. pp. 90. Hartford. Oliver D. Cooke & Co.

View of the Internal Evidence of the Christian Religion. By Soame Jenyns. Princeton, N. J.

Scougal's Life of God in the Soul of Man. Princeton, N. J.

Manual of Surgical Operations; containing the new Methods of Operating devised. By Lisfranc and Coster. The Translation and Notes, by John D. Godman, M. D. Philadelphia. Carey & Lea.

PERIODICAL WORKS.

The following list of periodical works is given, without presuming that it is in any degree perfect. In the theological and miscellaneous departments, in particular, it is unquestionably defective. It is such, however, as our means have enabled us to collect. A similar list will be occasionally inserted, and the only mode of insuring completeness will be for publishers to forward the titles and conditions of their works.

ARTS AND SCIENCES.

American Journal of Science and Arts, conducted by Professor Silliman. 2 Nos. to a Volume, 2 vols. a year. $3, per volume. New Haven. S. Converse.

The Boston Journal of Philosophy and the Arts. Conducted by John W. Webster, M. D. and Daniel Treadwell. Every two months. $4 per Annum. Boston. Cummings, Hilliard, & Co.

American Mechanic's Magazine. Conducted by Associated Mechanics. Weekly. $4 per Annum. New York. James V. Seaman.

Journal of the Academy of Natural Sciences of Philadelphia. Monthly.

MEDICINE.

The Medical Review, and Analectic Journal. Conducted by John Eberle, M. D. and George Mc Clellan, M. D. Quarterly. $5 per Annum. Philadelphia. A. Sherman.

The Philadelphia Journal of the Medical and Physical Sciences. Edited by N. Chapman, M. D. Quarterly. $5 per Annum. Philadelphia. Carey & Lea.

The Medical Recorder. Conducted by Samuel Calhoun, M. D. $5 per Annum. Philadelphia. James Webster.

The New England Journal of Medicine and Surgery. Conducted by Walter Channing, M. D. and John Ware, M. D. Quarterly. $3 per Annum. Boston. Wells & Lilly.

The New York Medical and Physical Journal. Edited by John B. Beck, M. D. Daniel L. M. Peixotto, M. D. and John Bell, M. D. Quarterly. $4 per Annum. New York. E. Bliss and E. White.

The Carolina Journal of Medicine, Science, and Agriculture. Conducted by Thomas Y. Simmons, M. D. and William Mitchel, M. D. Quarterly. Charleston, S. C. Gray & Ellis.

MISCELLANEOUS.

The United States Literary Gazette. Semi-Monthly, $5 per Annum. Boston. Cummings, Hilliard, & Co.

The Port Folio. Monthly. $6 per Annum. Philadelphia. H. Hall.

Boston Monthly Magazine. Edited by Samuel L. Knapp. Monthly. $4 per Annum. Boston.

New York Review, and Athenæum Magazine. Edited by William C. Bryant, and Henry Anderson. Monthly. $6 per Annum. New York. E. Bliss & E. White.

Annals of the Lyceum of Natural History. At irregular Periods. New York. E. Bliss & E. White.

The Garland, or, New General Repository of Fugitive Poetry. Edited by G. A. Gamage. Monthly. $4 per Ann. Auburn, N. Y.

African Repository and Colonial Journal. Monthly. $2 per Annum. Washington, D. C. Way & Gideon.

The Massachusetts Agricultural Repository and Journal. Semi-annually. $1 per Annum. Boston. Wells & Lilly.

The Long Island Journal of Philosophy, and Cabinet of Variety. Conducted by Samuel Fleet. Monthly. $3,50 per Annum. Huntington, N. Y. H. Herskell.

Philadelphier Magazin fur Freunde der Deutschen Literatur in America. Monthly. Philadelphia. George Ritter.

The Mathematical Diary. Conducted by R. Adrain, L. L. D. &c. Quarterly. $1 per Annum. New York. James Ryan.

The Friend of Peace. Monthly. $1 per Annum. Cambridge. Hilliard & Metcalf.

Worcester Magazine and Historical Journal. Monthly. Worcester, Mass. Rogers & Griffin.

THEOLOGY.

Biblical Repertory, a Collection of Tracts in Biblical Literature. Edited by Charles Hodge. Quarterly. $4 per Annum. New York. G. & C. Carvill.

Christian Examiner and Theological Review. Every two Months. $2 per Annum. Boston. Cummings, Hilliard, & Co.

Christian Spectator. Conducted by an Association of Gentlemen. Monthly. $3 per Annum. New Haven. S. Converse.

The Missionary Herald. Monthly. $1,50 per Annum. Boston. Crocker & Brewster.

Gospel Advocate. Monthly. $2 per Annum. Boston.

The American Sunday School Magazine. Monthly. $1,50 per Annum. Philadelphia.

The Rational Bible-Reformer, and Unitarian Monitor. Monthly. $1 per Annum. Near West Union, Adams County. Ohio.

The Literary and Evangelical Magazine. Monthly. Richmond, Virginia. Nathan Pollard.

The American Baptist Magazine. Monthly. $1,50 per Annum. Boston. Lincoln & Edmands.

FOREIGN WORKS REPUBLISHED.

Edinburgh Review. $5 per Annum. Boston. Wells & Lilly.

Quarterly Review. $5 per Annum. Boston. Wells & Lilly.

The New Monthly Magazine, and Literary Journal. Monthly. $6 per Annum. Boston. Cummings, Hilliard, & Co.

The Museum of Foreign Literature and Science. Monthly. $6 per Annum. Philadelphia. E. Littell. Selected from Foreign Journals.

Athenæum, or, Spirit of the English Magazines. Semi-Monthly. $4 per Annum. Boston. John Cotton. Selected from Foreign Journals.

The Medico-Chirurgical Review, and Journal of Medical Science. Quarterly. $5 per Annum. New York. J. N. Seaman.

The Christian Observer. From the London Edition. Monthly. $4 per Annum. New York. S. Whiting.

Journal of Foreign Medical Science and Literature. Conducted by Samuel Emlin, Jun. M. D. Quarterly. $4 per Annum. Philadelphia. E. Littell.

WORKS PROPOSED.

Lemuel Blake and Samuel H. Parker, propose to publish in Boston, by Subscription, the most approved Translations of the Ancient Classics. In neat and uniform Octavo Editions. The price to Subscribers will be only *one dollar and fifty cents per volume*, neatly done up in marbled boards, with hollow backs.

In many instances the number of volumes will be less than the English Editions, reducing the price to about *one third* of the cost of the English copies in this country.

This project deserves encouragement. A uniform edition of a Translation of the Classics is a desideratum in this country. The English editions are costly, and many works not easily to be obtained. The publishers have selected a few works with which to make the experiment. Could they be sure of success, it would doubtless be the best plan to publish the different classes of authors in connexion; that is, the Historians, Poets, Orators, Philosophers, &c. Such an attempt, perhaps, would have but a limited success, and in that case it will be more for the interest of the publishers to pursue their proposed course, and select the most popular authors. The exceedingly low price at which they offer the work is worthy of notice. Parker's handsome edition of the Waverley Novels is mentioned by the Publishers, as a specimen of the type and paper.

Carey & Lea, propose publishing by subscription in Philadelphia a New Work, to be entitled, American Biography, or Historical Dictionary of Eminent Americans. By Robert Walsh, Jr.

John Doggett & Co. Boston, have now in publication, Lithographic Portraits of Washington, Adams, Jefferson, Madison, Monroe, and Adams.

Original Pictures of five of these distinguished personages from the pencil of Stuart are now in the possession of J. Doggett & Co. They have lately been returned from France, where they have been correctly copied on Stone by Monsieur Maurin, an eminent Lithographist of Paris. The Lithographic Press and Stones are imported, and impressions are to be taken here, *for Subscribers.*

The plan of the Publishers is to furnish a beautiful and correct Lithographic Portrait of each President of the United States, produced by the united efforts of the best artists in Europe and America. The Portrait of the present President will be furnished in the same style with those exhibited.

The price to Subscribers for the series will be *Two Dollars for each Print.* When India Paper is used, an additional charge of fifty cents on each will be made.

These portraits are acknowledged to be among the best specimen's of lithographic art, which have ever been executed. The likenesses are copied with great fidelity from Stuart's paintings, and are allowed to be conveyed with accuracy and spirit. The proprietors have been at a good deal of trouble and expense in sending the paintings to Paris, and procuring the lithographic drawings, and it cannot be doubted that they will meet with a liberal patronage from the public. Independently of the associations connected with the portraits themselves, they present most striking examples of the high degree of perfection to which an art is brought, that has been discovered within the memory of many still living, and till very recently confined to the ruder branches of sketching and drawing.

IN PRESS,

And will soon be published, SOME ACCOUNT of the LIFE, WRITINGS, and SPEECHES of WILLIAM PINKNEY. By HENRY WHEATON.

This work will include some of Mr Pinkney's Speeches in Congress and at the Bar, never before published; his Written Opinions delivered at the Board of Commissioners in London under the British Treaty of 1794; and his private Correspondence with Mr Madison, Mr Monroe, and others, during his Residence in England, Naples, and Russia, as Minister of the United States.

Also in Press, SKETCHES POLITICAL and HISTORICAL of ALGIERS; containing an Account of the Geography, Population, Government, Revenues, Commerce, Agriculture, Arts, Civil Institutions, Tribes, Manners, Languages, and Recent Political Events of that Country. By WILLIAM SHALER, American Consul General at Algiers.

A review of Mr Verplanck's 'Essay on the Doctrine of Contracts' came too late for the present number. It will appear in our next.

PROSPECTUS.

THOMAS B. WAIT AND SON,

Boston,

PROPOSE TO PUBLISH A PERIODICAL WORK, TO BE ENTITLED

THE

JOURNAL OF EDUCATION.

The spirit of inquiry, which has of late years extended to every thing connected with human improvement, has been directed with peculiar earnestness to the subject of education. In our own country, the basis of whose institutions is felt to be intelligence and virtue, this topick has been regarded as one of no ordinary interest, and has excited a zeal and an activity worthy of its importance. By judicious endeavours to adapt the character of instruction to the progressive requirements of the publick mind, much has been done to continue and accelerate the career of improvement. These very efforts, however, and this success, have produced the conviction that much remains to be done.

A periodical work, devoted exclusively to education, would seem likely to be of peculiar service at the present day, when an interest in this subject is so deeply and extensively felt. At no period have opportunity and disposition for the extensive interchange and diffusion of thought been so favourably combined. Science and literature have their respective publications, issuing at regular intervals from the press, and contributing incalculably to the dissemination of knowledge and of taste. But education—a subject of the highest practical importance to every school, every family, and every individual in the community—remains unprovided with one of those popular and useful vehicles of information. A minute detail of the advantages which may be expected to result from a periodical work, such as is now proposed, we think unnecessary. With the success of other

publications of the same class before us, we feel abundant encouragement to proceed in our undertaking.

A leading object of the JOURNAL will be to furnish *a record of facts*, embracing whatever information the most diligent inquiry can procure, regarding the past and present state of education, in the United States, and in foreign countries. An opportunity will thus be afforded for a fair comparison of the merits of various systems of instruction. The results of actual experiment will be presented; and the causes of failure, as well as of success, may thus be satisfactorily traced, and be made to suggest valuable improvements.

The conductors of the JOURNAL will make it their constant endeavour to aid in diffusing *enlarged and liberal views of education.* Nothing, it seems to us, has had more influence in retarding the progress of improvement in the science of instruction, than narrow and partial views of what education should be expected to produce. Intellectual attainments have been too exclusively the object of attention. It is too common a thing to consider a man well educated, if he has made a proper use of the common facilities for the acquisition of learning; though the result may have been obtained at the expense of his health, and with much neglect of that moral culture, which is the surest foundation of happiness. In many plans of education, which are in other respects excellent, the fact seems to have been overlooked that man possesses an animal, and a moral, as well as an intellectual constitution. Hence the total neglect of the requisite provisions for the development of the corporeal system, and the confirmation and improvement of health, the only foundation of mental as well as of bodily power. The moral department of education has too commonly been restricted to an occasional word of parental approbation or reproof; or, at the best, to efforts limited by the sphere of domestick life. The natural consequence of the restrictions thus unjustly laid on education, is, that we often find, in the

same individual, a learned head, but a debilitated body, and a neglected heart. Education should, we think, be regarded as the means of fitting man for the discharge of *all* his duties: it should produce vigorous and hardy bodies, trained to powerful action, and inured to privation and fatigue; hearts formed to all that is pure and noble in moral principle; and minds prepared for efficient exertion in whatever may be their department in the great business of accomplishing the purposes of human existence. Under these impressions, we shall give to *physical education* that proportion of our attention which seems due to its importance. *Moral education* we shall consider as embracing whatever tends to form the habits and stamp the character. The influence of *example*, in the sphere of daily intercourse, we regard as the most powerful instrument in the formation of moral habits. In no light do we contemplate the progress of education with more satisfaction, than when we view it as elevating and purifying the great body of the community, and thus affording, to the attentive and reflecting parent, the pleasing assurance, that his efforts with his children at home, will not be counteracted by contaminating example abroad. Particular attention will be paid to *domestick education*, or that which emanates from parental and family influence; nor shall we neglect *personal education*, or that which consists in the voluntary formation of individual character.

The subject of *female education* is one which we deem unspeakably important. We have no hesitation in expressing our conviction that it has not yet received the consideration which it merits. Whatever concerns the culture of the female mind, extends ultimately to the formation of all minds, at that early and susceptible period, when maternal influence is forming those impressions which eventually terminate in mental and moral habits. But the theme is too full of important and interesting topicks to admit of discussion in a prospectus. There is no department of our labours, from which we anticipate a higher grati-

fication, than our endeavours to aid the instruction of the female sex.

Our efforts shall be directed chiefly to *early and elementary education*, because it is, in our view, more important than that of any other period or department. At the same time, we shall not omit the higher branches of science and literature, nor the training preparatory to professional pursuits. In particular branches of instruction, we have no favourite theories to obtrude. To what is of old standing, we have no hostility arising merely from its being old. Novelty we shall always regard as an indifferent circumstance, rather than a recommendation. But explanatory, practical instruction, under whatever name it may appear, we shall be happy at all times to aid with our best exertions.

As our pages are to be devoted exclusively to the cause of education throughout our country, an earnest and cordial invitation is given to persons in every quarter, who take an interest in our labours, to assist us by the communication of useful and interesting matter.

CONDITIONS.

The work will be published monthly, on fine paper and new type. Each number will contain forty-eight pages, in octavo.—Terms, *three dollars* per annum, to be paid as soon as convenient after the delivery of the first number, which we propose to publish in the month of January next.

Boston, Nov. 1825.

☞ Subscriptions for the above work will be received by the publishers, and also by Cummings, Hilliard & Co. Richardson & Lord, Wells and Lilly, and Harrison Gray, Boston;—by G. & C. Carvill, New-York; Carey & Lea, Philadelphia; Edward J. Coale, Baltimore; and Pishey Thompson, Washington;—also, by the agents of the Edinburg, Quarterly, and North American Reviews; and by the principal booksellers in other parts of the United States.

Agents are respectfully requested to forward the names of their subscribers to the publishers, without delay.

NOTICE.

Hereafter the Publishing Department of the North American Review will be wholly under the charge of FREDERICK T. GRAY, to whom all communications from Agents and Subscribers are to be directed.

POSTAGE.

As complaints are occasionally made in regard to the rates of postage charged on the North American Review in some of the post offices, we have taken pains to ascertain from the Post Master General the accurate mode of charge. For the benefit of our distant subscribers, therefore, we state on his authority, that the proper charge is *one and a half cent a sheet* for any distance not exceeding *one hundred miles*, and *two and a half cents a sheet* for any greater distance.

The North American Review is in the octavo form, in which *sixteen pages* make a sheet. By allowing one and a half cent for every sixteen pages, therefore, when the distance is not over one hundred miles, and two and a half cents for every sixteen pages, when the distance is greater, the proper amount of postage may be easily ascertained.

ADVERTISEMENT.

In the month of May of the present year, Mr and Mrs D. Gherardi propose to establish in Northampton, a School for Young Ladies. They have taken pains to provide all the means, which are thought requisite for the purposes of female education. The habits of domestic life must fix the character of the discipline of such an institution; and retirement in the country seems, if not essential, at least favorable to their efforts.

The various branches of English education will in the first instance claim attention, and these will never be lost sight of, in attempts to impart knowledge more remote in its nature. There will be constant opportunity afforded of acquiring the Latin language; the French will be taught by a native of France, as will the Italian also by a native of Italy. With regard to learning, it may safely be said, that means will be offered of pursuing any study, which may serve to develope and improve the female mind.

Music is also esteemed a very desirable accomplishment, and in order that it may be taught efficiently, a lady, who has long cultivated the art and is experienced in instruction, has been engaged to give daily lessons on the piano forte. Other accomplishments will in their season receive due attention.

Nor is it supposed that female education, in all its parts, is provided for by preparing these and similar means of instruction. All would be lost, if disgust at domestic occupations should be the result of literary culture, and the plainest duties will not be overlooked in attempts at promoting intellectual excellence.

With regard to the culture of the female mind, it is recognised as an established principle, that the character which is formed is of infinitely more importance, than the amount of learning acquired. Accuracy and useful information will never be sacrificed to a superficial acquaintance with belles-lettres; the judgment should be cultivated even more carefully than the memory and imagination; and the healthful exercise of the understanding must be valued no less than literary taste.

The nature of the subject forbids a more minute statement of the principles, on which the school will be conducted. The present effort is not made without a due sense of the importance of female education, and its influence on social life. Attention to this design is asked with that confidence, which may come from a determination to leave nothing untried, in order to deserve the favor and esteem of the public.

The terms of the school are three hundred dollars annually, payable in advance at the commencement of each quarter. In this all expenses of living and instruction are included. If those, who may take an interest in this undertaking, will address themselves to Mrs D. Gherardi, at Northampton, Massachusetts, their communications will receive immediate attention.

Northampton, Mass. January 2, 1826.

THE

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NEW SERIES, NO. XXVI.

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ART. I.—*An Essay on the Doctrine of Contracts; being an Inquiry how Contracts are affected in Law and Morals, by Concealment, Error, or Inadequate Price.* By GULIAN C. VERPLANCK. New York, 1825. 8vo. pp. 234.

WE believe it is Lord Bacon, who says, that important improvements in the existing laws of any country are not to be looked for either from mere technical lawyers, or from speculative philosophers. The first class he holds to be unfit for the task of legal reformation, because their intellectual habits are too narrow and confined, and the latter, because their theoretical notions are not enlightened by experience, and they are apt to generalize from a too hasty induction. The noble work of legislative improvement, *opus heroicum*, he assigns to those whom he calls *statesmen*, whose views are large and comprehensive, and at the same time rectified by an extensive and practical knowledge of human affairs. But in using this designation he certainly could not mean to apply it to those, who are vulgarly called statesmen; but who in all times have been, nearly without exception, entirely neglectful of every thing, except the business of war, negotiation, and finance.

Indeed the profound ignorance of the science of political economy, and of the philosophy of legislation, which attaches to some great names in this class, is truly remarkable. From the days of Pericles down to those of Pitt, what statesman has

devoted his attention to promoting the happiness of his fellow men, by an enlightened and anxious investigation of the laws by which they are governed, and by an honest effort to amend their glaring defects? Such men as Montesquieu, and Smith, and Filangieri, and Beccaria, and, notwithstanding his eccentricities, we will add, Bentham, have bestowed upon those subjects a depth of thought, and an extent of investigation, worthy of their importance; yet it is but recently that the writings of these and other philosophers have produced any effect upon the councils and conduct of the rulers of states. How else has it happened, that the administration of justice in most civilized countries continued in such a barbarous state, until the establishment of the new French codes, and that it still remains in the greater part of Europe so far short of fulfilling the great end of society? How has it happened, that it is still almost everywhere notoriously partial and corrupt, and where it is not so, that it should be burthened with so many idle, perplexing, and expensive forms of procedure? How is it, that the horrid practice of torture in criminal cases was in use all over Europe, until a comparatively recent period; in Scotland, so late as the year 1690; in Prussia, until the establishment of the Frederician code; in France, until the edict of Louis the Sixteenth, prompted by the benevolent mind of Malesherbes, and which was thought to be a mighty triumph of philosophy over inveterate prejudice? How has it happened, that in England, the country which is so far in advance of all other European nations in civil freedom, counsel were not allowed to the accused, even in cases of treason, where the terrors of the law and the whole weight of government are brought to bear upon the unhappy prisoner, until the statute of 7 Will. III, and is not allowed to this day in any capital case, except for the mere purpose of addressing the court upon such points of law as may arise! *

* "I look upon the administration of justice," says Lord Hardwicke, "as the principal and essential part of all government. The people know and judge of it by nothing else. The effects of this are felt every day by the meanest, in the business and affairs of common life. Statesmen indeed have their attention called off to more extensive political views; they look abroad into foreign countries, and consider your remote interests and connexions with other nations. But of what utility are those views, great as they are, unless they be referred back to your domestic peace and good order? The chief office of government is to secure us the regular course of law and justice." *Hansard's Parliamentary History*, vol. xiv. p. 20.

We have mentioned these things, not from a querulous disposition, nor because they are the most glaring examples we could have selected of the slow progress of legal improvement, and of the general indifference with which these subjects have been regarded by professional statesmen. We have only alluded to them for the purpose of contrasting this indifference with the spirit of inquiry, which has now gone forth. An anxious desire to engage in the investigation of these subjects is now extensively diffused. It is directed by such enlightened, sound, and practical views, that we may be allowed to hope for great improvements in all the institutions connected with the administration of justice. The liberal principles which have recently been professed by the British ministers, on questions relating to the science of legislation, and to political economy, are among the most remarkable signs of the diffusion of this spirit. At the time when Dr Smith wrote, firmly convinced as he was of the value and importance of the truths taught in his immortal work, he hardly dared to hope that they would ever be taken as a guide for the conduct of governments; and Sir Samuel Romilly, who had been so often baffled in his well considered projects of reform, by a blind and bigotted attachment to the existing order of things, could not have anticipated, that these projects were so soon to be adopted by the ministers of the crown, and carried through Parliament by the same influence, which had been before successfully exerted to defeat them.

The rulers of mankind begin to see, and to feel, that the civil and penal legislation, by which nations have been hitherto governed, is far behind the general improvement of the age; that time, 'the greatest innovator,' has been silently, but actively at work, whilst they have been attempting to resist those salutary changes, which are necessary to adapt existing institutions to the changes wrought by this mighty agent; and that to avert sudden and violent revolution they must *conduct off* the spirit of innovation, which has been let loose, in some safe course of gradual and considerate reformation. Hence the extensive alterations in the British laws of trade and navigation, which have been proposed by Mr Huskisson, and the revision and consolidation of the statutes suggested by Mr Peel. Hence, too, the appointment of a commission to inquire into the abuses connected with the administration of justice, in the Court of Chancery. In this country we have already done more towards the simplification of the laws, and the practice of the courts, than will

probably soon be accomplished in Great Britain, where abuses are more inveterate, and more closely connected with the whole existing order of things in the state. Here we have, perhaps, less difficulty to encounter from the horror of innovation, than from crude, rash, and improvident projects of reform. But with the characteristic good sense and moderation of our people, we shall probably find more than a compensation for the evils to be apprehended from this source, in that timid caution, which is inspired by the habitual prejudices of professional men, and which will not suffer any proposed amendment of the law to escape a severe scrutiny. More is perhaps to be apprehended from the impatience, with which a promised good is looked forward to, and which makes men unwilling to reflect how many deep and complicated considerations are connected with every change in the laws of a country.

Those, who refer to the three years' labours of Tribonian, and his associates, in the compilation of the Pandects, as an example of the facility, with which the whole body of the laws of a great empire may be consolidated into a code, are little aware of the immense difference of the materials, with which those legislators worked, from those, which must enter into the composition of a written code, in a country governed by the common law and equity system of England. They are also probably as little aware of the extreme crudity and imperfection of the work, which they produced in so short a space of time. The Ante-Justinian jurisprudence was rich in legal principles, drawn from natural law, and from the science of ethics and analagous reasoning, and skilfully adapted to the wants and necessities of civilized society. It had already been reduced to symmetry and method by the writings of the jurisconsults, who, according to Leibnitz, 'all resemble each other like twin brothers, insomuch that, from the style alone of any particular opinion, hardly any conjecture could be formed respecting the author.' The codifiers of that day had therefore little more to do, than to consolidate these *responsa prudentûm* with the imperial rescripts upon the same titles, and to arrange the whole in the natural order of the subjects. How inadequately they have accomplished this task, is best known to those who have studied the history of this science, at present almost entirely neglected, except by the scholars and civilians of Germany.

It is commonly supposed, that the compilers of the Pandects

intended to follow the general arrangement of the *Perpetual Edict;* yet this method is by no means uniformly adhered to, and the *Laws*, or as we should call them, *adjudged cases*, are cited and arranged in the most arbitrary and capricious manner. They are full of *antinomies*, or contradictory decisions, of different emperors, and of the jurisconsults of rival sects, which all the skill and subtilty of modern civilians have not been able to reconcile. The text of the writers, who are cited as the authorities for the *Laws*, is sometimes corrupted by the negligence and carelessness of the transcribers employed by Tribonian; and at others, the genuine text is falsified to subserve the vile purposes of a sovereign, 'who sold his judgment and his laws.' This work was undertaken by a superstitious and despotic prince, under the guidance of corrupt and profligate ministers, in the old age and decrepitude of the empire, when the shades of barbarism had covered the West, and were fast settling over the East. No wonder that the severe scrutiny of a more enlightened age has discovered so many blemishes in a code, compiled with such marvellous rapidity. The defects in the method of the original Pandects will be obvious to any one, who has the curiosity to examine the admirable edition of Pothier, (*Pandectæ Justinianeæ in Novum Ordinem Redactæ*,) upon which he spent the leisure of twenty years of his laborious life, in arranging the *Laws* in a natural method, in purifying the text, in filling up the numerous *lacunæ* left in the original work, and in connecting the whole together by a series of definitions, propositions, and corollaries, forming a complete system of the civil law, and for the first time actually accomplishing a work, of which the agents of Justinian had vainly boasted so many centuries before.

The public attention has been recently directed in this country to the subject of improvement in legislation. The measures adopted by the legislature of Louisiana for the compilation of a written code, and the steps taken by the state of New York, towards a more perfect revision of the statute laws, than has yet been attempted in this country, are very important indications of the progress of the public mind in respect to this subject. Every proposition for the amendment of the law, short of a complete written code, must contemplate either a revision of the text of the statutes, with a view to the correction and simplification of their phraseology, and a consolidation of the existing provisions in a better method and order, or to the ar-

rangement of the subjects; or it may combine with these improvements substantial alterations, incorporating more or less of the principles, which have been settled by the decisions of the courts of law and equity.

We shall say nothing at present of the wisdom of such a design, as that last mentioned. But supposing it to be expedient, an essential preliminary to its execution would seem to be a careful examination of the present system of law and equity, in order to ascertain upon what foundations it rests, how far its different parts are reconcileable with the principles of natural justice and the dictates of reason and conscience, how far they depend upon positive institution and the mere authority of adjudged cases, and whether they can be arranged into a consistent whole, suited to the wants and adapted to promote the welfare of a highly civilized and commercial society.

Such appears to be the object of the Essay before us, so far as respects a particular title of the law of Contracts. This it discusses, somewhat in the manner of Sir William Jones's elegant treatise on the law of Bailments, but with a bolder hand; and less with the purpose of reconciling the anomalies of the existing law, and of showing what *it is*, than of comparing its precepts with those of reason and conscience, and thus endeavoring to ascertain what *it ought to be*. In this point of view it aims at a higher object, than can be supposed to be intended by any treatise of mere technical law. Such a discussion ought properly to precede every proposition of reform, in general legislation. A code of laws cannot be prepared *pro re natâ*, and enacted without regard to the preexisting law, practice, and legal habits of the country where it is to be established.

Independently of their utility in this respect, investigations of this sort must always be attractive to those who regard law as a science founded on reason, and not merely resting on positive institution and the authority of precedents. They must also command the attention of those, who delight to trace the analogies of this science, and, in the words of Lord Bacon, to 'collect the rules and grounds dispersed throughout the body of the same laws, in order to see more profoundly into the reason of such judgments and ruled cases, and thereby to make more use of them for the decision of other cases more doubtful; so that the uncertainty of law, which is the principal and most just challenge that is made to the laws of our nation at this time, will, by this new strength, laid to the foundation, be somewhat the more settled and corrected.'

The question, which Mr Verplanck has investigated, arose out of a case determined in the Supreme Court of the United States, and reported in the second volume of Mr Wheaton's Reports, p. 195. The case related to the validity of a contract of sale made under the following circumstances. Some American merchants, who were on board the British fleet, after the memorable attack on New Orleans, in January, 1815, received the unexpected news of the treaty of peace, which had been signed at Ghent, and brought it up to the city the same night. Soon after sunrise the next morning, and before it could possibly be known among men of business, a merchant, who had been put in possession of the information, called upon another, and contracted for the purchase of a large quantity of tobacco at the market price of the day, without giving the vendor any hint of the intelligence, but at the same time without saying anything calculated to impose upon him. Immediately after the news of peace was publicly known, the price of tobacco rose more than fifty per cent.

Upon this state of facts, Mr Chief Justice Marshall, in delivering the opinion of the Court, observed, that the question was, 'whether the intelligence of extraneous circumstances, which might influence the price of the commodity, and which was exclusively within the knowledge of the vendee, ought to have been communicated by him to the vendor? *The Court is of opinion that he was not bound to communicate it.* It would be difficult to circumscribe the contrary doctrine within proper limits, where the means of intelligence are equally accessible to both parties. But at the same time each party must take care not to say or do anything tending to impose upon the other.'

Mr Verplanck expresses his regret, that this important decision should be stated in this brief and general manner, and that the Chief Justice had not applied his logical and original mind to the thorough examination of this subject, in all its bearings. He then proceeds to enumerate some of the difficulties and contradictions which appear to embarrass the question of the nature and degree of equality required in contracts of mutual interest, as well in reference to inadequacy of price, as to the more perplexing difficulty of inequality of knowledge.

'All jurists,' says he, 'agree in general terms to recognise as the leading principle of the law of contracts, that good faith must be preserved, and that fraud or art on either side affords sufficient ground for the interference of the law, to protect or

relieve the injured party. Follow them out in applying this principle, and the uniformity ceases.

'In some cases, like that of the tobacco purchase just stated, legislators and judges, from the apparent necessity of the case, or as Chief Justice Marshall words it, "from the difficulty of circumscribing the opposite doctrine within proper limits," have considered the question, not so much on the ground of justice, as of policy and convenience, and refused to lend the aid of the law to relieve against unequal contracts, leaving the protection of each man's rights, under such circumstances, to his own prudence and foresight. With regard to the moral regulation of our conduct, they expressly distinguish between the coarse and imperfect morality, which they are willing to enforce at their own tribunal, and the sterner decrees of the Interior Forum,—for so the Roman law, by a noble metaphor, has termed the decisions of an enlightened conscience.

'Upon the same grounds of necessity and commercial policy, the courts of England and of the United States have rejected the civil law doctrine of implied warranties, have held that a full price does not imply any warranty of the character of the article, and even that goods of the lowest value may be described and sold as being of the highest, without the unfortunate purchaser's having any recourse to the seller, unless he could prove some positive fraud in the transaction. In short, they have often in various shapes recognised and applied the harsh maxim of *caveat emptor*, and thrown upon the buyer the burthen of every loss, against which it was possible for him to have protected himself by caution and suspicion.

'But on the other hand, in these same courts, a complete head of commercial law has been gradually filled up almost in our own days, by a continued series of wise judicial legislation, upon principles scarcely reconcileable with these. The law of insurance requires everywhere the most perfect sincerity and frankness between the contracting parties, and the slightest suppression of a material fact is held to exonerate the opposite party.

'In the same spirit too, the courts of equity, for the last century, have enforced a very hightoned and almost scrupulous morality in a large class of cases of another sort; invalidating or refusing to enforce agreements, and setting aside or rectifying conveyances made for an inadequate consideration, or through mistake as to facts, or from ignorance of legal rights.

'Our systems of equity and of insurance law are doubtless indebted, in a great degree, to the influence of the civil code, for this infusion of a different spirit from that which reigned in the ancient common law of England.

'The Roman law, as taught by the continental jurists, insisted upon a rigid equality between the contracting parties, and a full and perfect equivalent given and received, in every sale; while it prohibited all reservation concerning any point which the party with whom we contract has an interest in knowing, touching the thing which is the subject of the bargain. This it carries in theory to an extent which few men of business in our days, not excepting the most scrupulously honest, would allow to be wise and just. In many cases, indeed, it must have been literally impossible to apply the theory to practice. It was a natural consequence of this, that both in the Roman law itself, and in those systems of jurisprudence professedly modelled upon it, these principles, after having been broadly laid down as the undoubted and universal moral rule, are restricted for legal purposes by regulations and limitations wholly arbitrary, and somewhat contradictory to the professed spirit of the law.'

After this general statement of the doubts and discrepancies which involve this branch of the law in contradictions and uncertainty, the author proceeds, in a second chapter, to trace more particularly the doctrines of the courts of common law and equity in England and the United States, on concealment, inadequacy of price, warranty, secret defects, fraud, scienter, the law of insurance, &c; and to expose the palpable incongruities between the different parts of the same system, and the difficulty of reconciling them.

The common law of England, like the language of that country, is derived from various sources widely remote from each other. The old Saxon customs were merged in the refined subtilties of the feudal system, brought in by the Norman conquest; the harshness of which was gradually mitigated by that system of equity introduced by the churchmen, the leading principles of which were borrowed from the civil and canon laws. To these was superadded, at a still later period, a body of commercial and maritime law, derived from the continental codes, and improved and perfected by the great judges, who presided in the English tribunals during the last century. Consistency and uniformity of style could hardly be looked for in an edifice, thus gradually erected, at long intervals of time, with various and discordant materials. It might be compared to a vast Gothic building, the massy foundations of which were laid under the Heptarchy, the superstructure bearing marks of the curious skill and intricacies of Norman architecture, with a

modern addition of the light, elegant, and commodious Grecian portico.

But not to pursue this metaphor, let us proceed with Mr Verplanck to examine that portion of this complicated system, which relates to the present subject. The laws of every nation are more or less impressed with the peculiar traits of its manners and character, whether these are produced by moral or physical causes. A savage race, like the Saxons, and a nation of military barbarians, like the Normans, without any science except the logic of the schools, could hardly be expected to derive their law of contracts from a very pure and enlightened source, or to found it upon the enlarged principles of civilized morality. A litigious spirit was one of the most remarkable characteristics of the Normans, and entangled their legal proceedings with intricate forms and captious subtilties.*

The maxim of *stare decisis*, which has been adhered to more strictly in England than in any other country, has given a character of inflexibility to this artificial system of jurisprudence. Accordingly we find, that the stern and harsh rule of *caveat emptor* is perpetually invoked by the common law writers and judges, from the Year Books and the old Abridgments, down to the times of Mansfield and Ellenborough, when more liberal views of commercial law had prevailed in all those insulated provinces of the law, which were unoccupied by ancient decisions. This general current of doctrine and adjudication upon the law of bargain and sale, was deflected from its uniform course about the middle of the last century, when it was held by some of the authorities, that a *fair price*, that is, the usual market price of the commodity, implied a warranty of its soundness. But this anomaly was corrected, and the strict rule of the common law was again restored in all its original rigor, under the enlightened administration of the judges we have just mentioned. The same rule has been almost universally adopted in the courts of this country; so that, although *a warranty of title* is implied in every sale of a personal chattel, yet there must be either an express warranty, or actual fraud, to set aside

* A French writer, quoted by Barrington, (on the Statutes,) speaking of the common law of England, says; 'Leges Angliæ plenæ sunt tricarum ambiguitatumque, et sibi contrariæ. Fuerunt siquidem excogitatæ atque sancitæ a Normannis, quibus nulla gens magis litigiosa, atque in controversiis machinandis et proferendis fallacior, reperiri potest.' *Philip. Honor. Barringt. on the Stat.* p. 51.

the contract *for a defect in the thing sold.* The same system, also, refuses to recognise inadequacy of price, as a ground for rescinding the contract.

But in the courts of equity, sitting under the same roof of Westminster Hall, and frequently consisting of the same judges, a different, and, in some respects, opposite doctrine prevails. In the gradual progress of society, when commerce and civilization began to dawn, the defects of the ancient common law became manifest. These defects were particularly disclosed, in its omitting to furnish an adequate remedy for the injury sustained by the breach of contract, where the nature and spirit of the agreement, and the obvious intention of the parties, required a specific performance. For except in real actions, and in ejectment, where the formal proceedings are always *in rem*, and in the actions of detinue and replevin, where the thing sued for is specifically recovered, a court of common law uniformly gives a pecuniary compensation for civil injuries.

It frequently happened, that this remedy was insufficient to repair the injury sustained by the contracting parties, and to place them in the same situation they were in before the breach of the agreement. Hence the origin of that important branch of equity jurisdiction, which, although it was long contested by the common law courts, was at last firmly established, and matured into a regular system. But as it rested in the discretion of the chancellor to give or refuse relief, where the party applied for a specific execution of the contract, various conflicting decisions have taken place upon the question, whether it should be refused upon the mere ground of inadequacy of price? But it is well settled, that if the contract has already been carried into execution by the parties, relief will not be given by rescinding it. At law, the contract is equally valid in both cases; but what shall be the measure of damages to be given to the party, who brings his action to enforce it, is a question still involved in doubt and obscurity.

It is a received opinion among practitioners, that the vendor is bound by the common law to communicate those latent defects, which are not accessible to the vendee, and which he could not by any possible attention have discovered. But the author of the present treatise thinks, that this opinion is erroneous; that it cannot be reconciled with the analogies of the same branch of law, and in particular is inconsistent with the doctrine of *caveat emptor;* and that, if it were now subjected

to the solemn determination of the courts, it would be rejected without hesitation.

If he is right in this impression, the law, as to the suppression both of intrinsic and extrinsic circumstances, will coincide and harmonize; as upon principle it certainly ought. But, at the same time, it will rest upon a foundation very difficult to be reconciled, not merely with the dictates of an austere morality, but with common honesty.

This narrow rule, which is applied to protect the vendor from responsibility for defects in his unwarranted goods, is powerfully contrasted with the law, which compels the artist, or workman, who engages to perform any particular work, to apply the diligence, attention, and skill necessary to perform it in a workmanlike manner. Thus, for example, a different measure of justice is applied to the conduct of the person, who builds and sells a ship on his own account, and to him, who contracts with a merchant to build a ship. In the one case, he is not answerable for the defects against which he does not expressly warrant, unless there be actual fraud; in the other, he is liable for the consequences of his unskilfulness, or want of care. Here again we recognise the opposite sources, from which these contradictory rules have been derived. In the harsh features of the one we trace its comparatively barbarous origin in the feudal ages; whilst in the other we distinctly perceive the marks of civilization and refinement. The one is consistent with that pure standard of morals, which should be applied in enforcing all the duties of perfect obligation, whilst the other requires nothing more, than the observance of that good faith, which is the most powerful ligament of human society.

After explaining these principles and decisions, in a very clear and perspicuous manner, Mr Verplanck goes on to inquire how far their analogy has been preserved, in other titles of the law. With this view, he examines the history of the law of insurance, traces its origin to the learned labors of the civilians of the European continent, and pays a just tribute to the genius of Lord Mansfield, who first made his countrymen acquainted with this branch of law, and laid the foundations of that noble edifice of commercial jurisprudence, which is the just pride of England. He shows, however, that it has a very slight analogy with the more anciently settled parts of the English law of contracts. In the contract of insurance, the law demands from each party, not only strict integrity, but the most unreserved frank-

ness and candor. Every fact within the knowledge of the insured, ignorance or mistake respecting which might induce the underwriters to make an erroneous estimate of the risk or premium, is considered as a material fact, the misrepresentation or suppression of which will avoid the policy. Not only those parts of the agreement, which enter into the written contract, but those collateral representations, either written or verbal, which relate to it, fall within this comprehensive requisition.

'Here,' says Mr Verplanck, 'let us pause a moment, and observe the difference of that spirit which prevails in the law of insurance, from that which regulates the common law regarding other bargains. It is impossible to assign any substantial reason for this remarkable contrast, either upon the grounds of natural equity, or upon those of policy. The practice of insurance is, indeed, of admirable utility. Antiquity classed it with the hazards of the gaming table, under the contemptuous appellation of Aleatory contracts. But its modern use, which frees trade from the hazard and the spirit of gambling, by the application of the principles of gambling itself, is one of the most beautiful inventions of commerce. Yet what is there so sacred in its character or uses, that while in so many other bargains, the courts of common law are content to enforce only that coarse and worldly-minded honesty, which refrains from palpable fraud; here alone they insist upon punctilious honor. Upon what principle of policy can it be, or of common sense, that the law should have selected the body of underwriters, men commonly among the most vigilant and best informed as to their rights and interests, as the special objects of protection from imposition; whilst in such an infinite variety of other contracts and purchases, which the necessities of life compel men of all classes to enter into, and that often blindly and ignorantly, without knowledge of the worth and quality of what they buy, the law's unvarying answer to complaints of fraudulent concealment or unfair advantage, is "*Caveat Emptor;* you should have been more vigilant; if you have been too confiding, or careless, you must abide the loss. It is only to your ignorance and over-confidence in your neighbour's good faith, that the success of that fraud of which you complain, is to be imputed. But it is an old and uncontradicted legal maxim, that *vigilantibus, non dormientibus, subserviunt leges.* Therefore, that your ignorance may be punished, tha tyour careless, unsuspicious temper may be corrected, and that you may serve as a warning to all others against those faults, the wisdom of our ancestors has decreed that your adversary, who watched while you were asleep, should enjoy unmolested the fruits of his adroitness."

'The incongruity of these collateral branches of the law may be made more obvious by the statement of a case or two. They are imaginary indeed, but very probable. In fact they are only so far imaginary as that they bring together in one view, the facts which occur separately every day. We will suppose that a merchant of New York or Baltimore, extensively engaged in foreign trade, after one of those intervals of contrary winds and long passages which sometimes prevail, and by one of those accidents which have several times happened within our memory, receives the first and only intelligence from Liverpool. His correspondent informs him of a sudden rise of cotton and flour, and the expected short supply of both. A postscript to the same letter adds an account of the loss of a large ship on the coast of Ireland, which from various circumstances of description and date, our merchant has reason to believe, though not with perfect certainty, to be his own Charles John. He loses no time to make the best use of his superior intelligence; he sends off his pilot boats to the south to buy up the planter's cotton; and his agents to contract for flour and grain, at the present rates, not only with the regular flour dealer of the city, who may be on his guard, but with the millers and farmers of the interior. At the same time he effects an insurance on his good ship the Charles John, *lost or not lost*, without giving a hint of the contents of his letter. Now in this latter case, he bargains with the intelligent and skilful officers of an insurance company, men living in the very centre of mercantile and marine news, and with the best information within their reach. In the former case he deals with those, to whom the knowledge upon which he acts, must be wholly inaccessible, and perhaps the very possibility of such intelligence beyond the suspicion of the most vigilant among them. Yet such is our law, that the underwriter, if these facts can be established, may confidently stand upon his defence and refuse to settle the loss; while the planter or the farmer has no remedy.'

After dwelling for some time upon the remarkable incongruity between the law of insurance and that of sale, the author again reverts to the principles upon which equity enforces, or refuses to enforce, the specific execution of agreements, with the view of ascertaining how far these rules accord and harmonize with other parts of the same system. For this purpose, he states it to be well settled, that the concealment of material facts may amount to a degree of *mala fides*, which will exclude the guilty party from all claim to the aid of a court of equity. So in another class of cases, equity has interposed to set

aside conveyances made under a total ignorance of the party's rights, as in the case of an imperfectly executed will, or of a mistake as to the value of a distributive share. How far it will relieve against a mere mistake of law, where all the facts are well understood by the parties, is a point still involved in great doubt. Another head of equity bears a remoter analogy to the subject under consideration, and comprehends all those cases where the court looks with a jealous eye upon contracts entered into between parties, standing in certain intimate and confidential relations to each other, such as attorney and client, guardian and ward, trustee and *cestui que trust*, agent and principal, &c. It is a general rule, that mere inadequacy of price will not afford a ground for rescinding an executed agreement; yet a distinction is made in such cases where the inequality is so strong, gross, and manifest, as to furnish evidence of fraud. But, as the author justly observes, there is great looseness and want of precision in the manner of laying down this exception to the general rule, and great difficulty in its practical application. He applauds the tone of strict and pure morality, and the manly spirit of honor and frankness, which mark the decisions of equity under this head, but is at a loss how to reconcile them with the decisions of the same forum in other cases, which would seem to demand the application of the same measure of justice.

In his third chapter, the author considers the doctrines of the civil law, and of the modern systems founded on it, especially the French code, respecting warranty, concealment, inadequacy of price; and the speculative opinions of civilians, or writers on natural law, relating to the same subject.

'In the civil law,' says he, 'and in its derivative systems, it is laid down as a universal and fundamental position, that the contract of sale depends wholly upon natural law; not only owing its origin to that law, but being entirely governed by the rules deduced from it.* Upon this solid foundation, has been raised a consistent and beautiful system of law in relation to the losses sustained from ignorance of circumstances or facts *intrinsic* to the subject of sale; such, for instance, as secret defects lessening the worth of the thing sold as an object of commerce, or rendering it useless, for the purpose for which it was bought.

* 'Ce contrat est entièrement du droit naturel; car non seulement il doit à ce droit son origine, mais il se gouverne par les seules règles tirées de ce droit. *Pothier, Contrat de Vente.*'

'It is remarkable, that, on comparison, this will be found to be, in every part, nearly the reverse of the law of England, on the same head.'

The civilians hold the vendor to warrant, by implication, against all the defects of the thing sold, which are of a nature to render it unfit for its ordinary use, or so lessen that usefulness, that the buyer would not have purchased, or would not have purchased at so high a price, if he had known them. The general principle of implied warranty has been universally adopted in all the countries of Europe, which have founded their municipal codes upon the Roman law. But it has been modified in practice, as to a reduction of price, corresponding to the disappointment in the expected value of the commodity. This is quaintly, but not inaptly expressed in the Scotch law. 'The insufficiency of the goods sold, if it be such as would have hindered the purchaser from buying, had he known it, *and if he quarrels it recently*, founds him in an action (*actio redhibitoria*) for annulling the contract. If the defect was not essential, he was, by the Roman law, entitled to a proportional abatement of the price, by the action *quanti minoris*. But as our practice does not allow sales to be reduced, on account of the disproportion of the price to the value of the subject, it is probable, that it would also reject the action *quanti minoris*.'

So far the Roman law is founded in good sense, and is capable of application to the affairs of a highly civilized and commercial society. But when, in imitation of those lofty and stern principles, which it borrowed from the Portico, from those masters of philosophy, who, in the language of Tacitus, *sola bona quæ honesta, mala tantum quæ turpia; potentiam, nobilitatem, cæteraque extra animum neque bonis neque malis adnumerant*, they required both from buyer and seller, the full and frank communication of every *extrinsic* circumstance, which might influence the conduct of either; then their doctrine became too sublimated to be indiscriminately adopted in modern practice. But though, in general, this abstract refinement of morals, which defeats its own purpose, by attempting more than the nature of man and of human affairs will enable it to accomplish, has been rejected by the legal institutions of modern Europe, yet a curious fragment of this system is still retained in the law of most of those countries, which have derived their jurisprudence from the 'awful sway' of Rome. We allude to the singular anomaly, which gives the vendor a remedy in case of gross inadequacy

of price, or as the civilians express it, *enormous lesion*. This rule is confined, in its application, to the sale of real property; it being obviously quite impossible to adapt it to commercial transactions and the ordinary transfer of chattels. It also denies to the buyer that equity, which it professes to extend to the seller, by refusing to the former any relief on account of his having paid an excessive price. It made a part of the ante-revolutionary jurisprudence of France, and has been incorporated into the new civil code of that country, notwithstanding the opposition of some of her most distinguished jurists, as Mr Verplanck thinks, on account of temporary, political motives, connected with the policy of giving stability to landed titles and family distinctions, which had been so much shaken by the revolution. It is recognised, we believe, in the civil code of Louisiana; and something like a reference to it may be obviously traced in that part of the Equity system in England, which considers gross inadequacy of price as evidence of fraud.

It is not the least evidence of the wide spread influence of the Roman law in modern times, that all the writers upon the law of nature and nations should have adopted this principle of absolute equality in contracts, as binding in *foro conscientiæ*. But the author of the work before us justly contests its application to this extent, even as a rule of moral obligation; and, in a train of admirable reasoning, shows, in the most convincing manner, that if practically followed, it would deprive every man of the honest fruits of his superior knowledge and skill, of his diligence and labor, and of all those advantages, which a beneficent Providence has enabled him to acquire, and authorized him to enjoy; and, in this manner, would present an insurmountable barrier to the improvement of the world, by taking away the ordinary motives of individual exertion. This he accomplishes by proving, that in ordinary commercial bargains, the exchanging of precisely equivalent values is not even aimed at, or desired, by the parties; and by analyzing the various circumstances, which go to fix the price of commodities, such as constant competition, monopoly founded on public policy, or the just use of private property, soil and seasons, peace and war, and all the various and fluctuating phases of human affairs, as they are influenced by physical, moral, and political circumstances.

After thus seeking in vain, in the two most memorable systems of municipal jurisprudence, which have governed the world, as well as in the celebrated writers on natural and public law, for a

satisfactory rule of contracts, so far as respects inequality of price, or inequality of knowledge, Mr Verplanck, in his fourth chapter, endeavors to deduce such a rule, not merely from the abstractions of metaphysical morality, but from the sound principles of that true science, political economy, which, he contends, influence the motives, and determine the conduct of every buyer and seller, although the parties may not always be conscious of the precise nature of their operation on their own minds.

He begins by inquiring '*What is* PRICE? What are the elements, which form it? What, abstracted from all reference to right and wrong, are the common considerations which enter into the minds of the buyer and seller in making a bargain?' And concludes, that as to things which are *unique*, or very peculiar in their kind, of which there is no regular supply from the soil, or from human labor, and of course no regular market value, price depends wholly on the opinions and the means of the buyer and seller, and consequently there can be no such thing as inadequacy of price. The same rule, also, applies to the buying and selling *of speculation*, to purchases of lands peculiarly situated, or goods bought, not with reference to present use or profit, but with relation to a future and anticipated state of the market. But in the more common case of the buying and selling of articles of domestic use or consumption, or in the wholesale operations of trade in the great staple productions of agriculture or manufactures, the new element of *market price* enters into the calculations, both of buyer and seller, which are no longer controlled by their separate wishes, opinions, and judgments alone, but also by a set of facts common to both, and upon which they mutually reason.

In this class of cases, inadequacy of price may be a ground for setting aside a contract of sale, not from the inadequacy of the price, as compared with the intrinsic value of the article, but as compared with the ordinary market price of the time and place of making the contract. A gross deviation from this standard may imply fraud, or error, in the substance of the contract. But what is it that constitutes fraud, or error, so as to affect a contract in natural equity and morality? The answer to this question is, that no man can ever honestly profit by his superior knowledge, wherever there is a confidence expressly or impliedly reposed in him, that he will take no advantage of it, and wherever this confidence is the efficient cause of his being able to take such advantage. Whatever constitutes the facts and

reasonings of a bargain *peculiar to each individual*, such as skill, and judgment, and personal necessities, can never be expected to be communicated; but with regard to the facts which are, or should be, common to both parties, and which immediately and materially affect price, in the estimate of those who buy and sell, the contract is entered into upon the supposition, that no advantage will be taken by one party, of his superiority of knowledge over the other.

In his fifth chapter, the author continues the same subject, and recapitulates the rules and principles established in the preceding chapter, applying them to all contracts of mutual benefit, contracts of hazard, cases of mutual error, and implied warranty of sort and quality; and considers the different effects of error and of intentional concealment. The next contains a long digression on the question, 'When, and how far, may positive law, in administering justice between man and man, differ from the strict honesty and good faith required by conscience?' He concludes, that it can never be either right or expedient for civil tribunals to establish rules of justice, varying from those pronounced by the tribunal of conscience, unless when compelled by absolute necessity, or manifest public utility; and in the seventh chapter, he endeavors to show, that the strict rules of honesty, regarding inequality of knowledge, or of price, &c. ought to be the governing principles of the whole law of contracts. This he infers from their partial adoption in the law of insurance, in the doctrines of courts of equity, and in the Roman civil law. And he insists, that the only exception to the generality of this position is to be found in the acknowledged fact, that human tribunals must be guided in their application of these doctrines of legal ethics, as well as restricted in the practical remedies they furnish, by those regulations which public policy has established, as to prescription or limitation, the civil character and condition of parties, uniformity of decision, commercial usage, and positive rules of evidence.

Wherever these principles of morality have been adopted, in the practical administration of justice, they have commanded the unqualified approbation of men of common sense, and those versed in the business of human life, as well as of those master minds, who have looked at law as a science, founded upon principle and governed by reason. Such is the case with the whole body of the law of insurance, with all those heads of equity jurisdiction, arising from the peculiar relation of confidence and

trust between certain parties, which we have before adverted to. So, too, the common law courts have remarkably deviated from the general analogy of their own rules, and obeyed the dictates of the purest morality, in that class of cases, which relates to the payment of forged bank notes, or negotiable paper, where both the parties are equally ignorant of the forgery.

'If, then,' says Mr Verplanck, 'these principles are just in themselves; if they are congruous to the common notions of men; if they are capable of being practically applied; if, in the affairs of the greatest magnitude and interest, they have been found not only expedient to be used as legal rules, but even absolutely necessary, why should they not be universal? why should that part of our law, which enters into and affects every man's daily concerns, be disgraced by contradictions, which, if they were nothing more than deviations from the rest of the system, would be useless and perplexing? How much worse, if these deviations afford shelter for dishonesty, if they are repugnant to the usages of trade, and the common reasonings of civilized men?' p. 195.

The eighth chapter contains a view of the practical result of those doctrines of law and equity, which arbitrarily vary from the rules of natural justice, their confusion and contradiction, and the bad effects they have produced on the public morals. Allusion is made to the liberal spirit of legal improvement, which is now abroad in the world, and a strong desire is expressed, that it should embrace the law of sales. In the opinion of the author, no more practical or beneficial innovation could be made in our civil jurisprudence, than to introduce the rules of the Roman law, as to implied warranty of quality and kind. This he would have done, not piecemeal, or in insulated decisions, which only create confusion, but thoroughly and upon principle.

The principles of the ancient civil law, and the modern European codes founded upon it, might be embodied in the language of our own system of jurisprudence, by merely expanding into general provisions, what has already been decided in numerous particular cases. With this view, the author recapitulates, in his eighth and last chapter, the principles and rules, which his arguments tend to establish. These, we presume, he did not mean to offer, as the project for the text of a written code on the subject, for it would then be deficient in that precision, which is so difficult, and at the same time so necessary to be attained in every system of written law; but only as a

summary of his own principles and views. Considered in this light, we regard this collection of axioms and corollaries as of great value, exhibiting the ingenious theory of the author in a condensed form, and illustrating his reasonings in support of it. We regret that we have not room to insert this summary, which would probably convey to our readers a clearer notion of the author's views, than will be gathered from the imperfect analysis we have attempted of a work, which we regard as one of the most original and interesting publications upon the theory of jurisprudence, that has recently appeared.

We heartily concur in the wish, expressed by Mr Verplanck, that it may excite public attention to the improvement of this title of the law of contracts, and we will add our desire, that he may be induced, by the success of the present attempt, to turn his attention to other projects of reform in legislation. An attentive examination of several titles of positive law, such as the statute of frauds and limitations, for example, would tend to expose the defects, uncertainty, and contradictions of the system of judicial interpretation, amounting in effect to legislation, which has perverted the original policy of these wise laws, and calls for a revision of their text, with the view of clearing up the obscurities, which originally adhered to it, or have been interpolated by the excessive latitude of construction, which has been indulged with respect to them. At the same time, we would not be understood as meaning to deny, that many excellent rules are contained in the body of judicial decisions upon these statutes, which would furnish valuable materials for a new builder to construct an edifice more harmonious in its parts, and better adapted to promote the purposes, for which it was designed.

ART. II.—1. *De Pentateuchi Samaritani Origine, Indole, et Auctoritate, Commentatio Philologico-critica.* Scripsit GULIELMUS GESENIUS, Theologiæ Doctor, et in Universitate Literarum Fridericianâ Professor Ordinarius. Halæ, impensis Librariæ Rengerianæ, 1815.

2. *Jesu Christi Natalitia piè celebranda, Academiæ Fridericianæ Halensis et Vitebergensis consociatæ Civibus indicunt Prorector et Senatus.* Inest GULIEL. GESENII, Theol. D. et P. P. O. *de Samaritarum Theologiâ ex Fontibus ineditis Commentatio.* Halæ, in Librariâ Rengerianâ.

3. *Anecdota Orientalia*, edidit et illustravit GULIEL. GESENIUS, Philosophiæ et Theologiæ Doctor, hujusque in Academiâ Fridericianâ Halensi Professor publicus ordinarius, Societatum Asiaticæ Parisiensis et Philosophicæ Cantabrigiensis Socius. *Fasciculus primus, Carmina Samaritana complectens.* Lipsiæ, 1824. Impensis Typisque Fr. Chr. Guil. Vogelii.

[Also entitled] *Carmina Samaritana e Codicibus Londinensibus et Gothanis*, edidit et Interpretatione Latinâ cum Commentario illustravit GULIEL. GESENIUS &c. *Cum Tabulâ lapidi inscriptâ.* Lipsiæ, 1824.

THE existence of the Pentateuch, or the five books of Moses, among the Samaritans, written in the peculiar alphabetic character which they employed, and which differed much from the Hebrew square character, was known in very ancient times to such of the Fathers, as were acquainted with the Hebrew language. Origen, in commenting upon Numbers xiii. 1, says, καὶ τουτῶν μνημονεύει Μωϋσῆς ἐν τοῖς πρώτοις τοῦ Δευτερονομίου, ἃ καὶ αὐτὰ ἐκ τοῦ τῶν Σαμαρειτῶν Ἑβραϊκοῦ μετεβάλομεν, *and these things Moses makes mention of in the first part of Deuteronomy, which we have also transferred from the Hebrew copy of the Samaritans.* Again, on Numbers xxi. 13, he says, καὶ τουτῶν μέμνηται Μωϋσῆς ἐν Δευτερονομίῳ, ἃ ἐν μόνοις τῶν Σαμαρειτῶν εὕρομεν, *these things Moses mentions in the book of Deuteronomy, which we found only in the Samaritan copy.* Jerome, in his prologue to the book of Kings, says, *Samaritani etiam Pentateuchum Mosis totidem literis scriptitant, figuris tantum et apicibus discrepantes.* By *totidem literis*, he means as many letters as the Hebrews and Chaldeans used, that is, twentytwo; although the forms of the

Samaritan letters differed from those which the Jews employed. Again, in his *Questiones in Genesin*, on chap. iv. 8, he says, *Quam ob causam, Samaritanorum Hebræa volumina relegens, inveni* &c.

These, with one or two more references of a similar nature in Origen and Jerome, constitute the evidence which we have that the Samaritan Pentateuch was known, in very ancient times, to such of the Fathers as devoted themselves to the critical study of the Hebrew Scriptures. From the time of Jerome down to the first quarter of the seventeenth century, no traces appear, in the history of criticism and sacred literature, of any knowledge among Christians, whether the Samaritan copy of the law of Moses was still in existence. In the year 1616, Petrus à Valle bought of the Samaritans, at Damascus, a complete copy; which was sent, in 1623, by A. H. de Sancy to the library of the Oratory at Paris. J. Morin briefly described this copy, not long afterwards, in the preface to his edition of the Septuagint, A. D. 1628. Soon after this he published his *Exercitationes Ecclesiasticæ in utrumque Samaritanorum Pentateuchum;* in which he extols very highly the text of the Samaritan Pentateuch, preferring it above the common Hebrew text. About the same time, from the copy purchased by à Valle, Morin printed the Samaritan text of the Paris Polyglott, and from this Walton printed the Samaritan text in the London Polyglott, with very few corrections.

In the mean time, between the years 1620 and 1630, archbishop Usher, so distinguished for his zeal in the cause of sacred literature, and for the knowledge of it which he himself acquired, had succeeded by persevering efforts in obtaining six additional copies of the Samaritan Pentateuch from the East, some of which were complete, and others incomplete. Five of these are still in England, deposited in different libraries; and one, which the archbishop presented to Ludovicus de Dieu, appears to have been lost.

In 1621, another copy was sent to Italy, which is now in the Ambrosian library at Milan. About the same time, Peiresc procured three copies of the Samaritan Pentateuch; two of which are in the royal library at Paris, and one in that of Barberini at Rome.

To these copies others have since been added; so that Kennicott was able to extend the comparison of Samaritan manuscripts, for his critical collection of various readings, to the number of *sixteen*. Most of them, however, were more or less defective, in regard to parts of the Pentateuch.

The external appearance of these manuscripts, in some respects, agrees with that of the synagogue rolls of the Hebrews; but in many others it differs. All the Samaritan copies in Europe are in the form of books, either folio, quarto, or still smaller; although the Samaritans in their synagogues make use of rolls, as the Jews also do. The letters in the Samaritan copies are simple, exhibiting nothing like the *literæ majusculæ*, *minusculæ*, *inversæ*, *suspensæ* &c. of the Hebrews. They are entirely destitute of vowel points, accents, or diacritical signs, such as are found in Hebrew and Chaldee. Each word is separated from the one which follows it, by a point placed between them; parts of sentences are distinguished by two points; and periods and paragraphs by short lines, or lines and points. The manuscripts differ, however, in regard to some things of this nature. Words of doubtful construction are sometimes marked by a small line over one of the letters. The margin is empty, unless, as is sometimes the case, the Samaritan or Arabic version is placed by the side of the original text. The whole Pentateuch, like the Jewish copy, is divided into paragraphs, which they call קְצִין, *Katsin*. But while the Jews make only fiftytwo or fiftyfour divisions (one to be read each Sabbath in the year), the Samaritans make nine hundred and sixtysix.

The age of some of the Samaritan copies is determined by the date, which accompanies the name of the copyist; in others it is not. Kennicott has endeavored to ascertain the date of all the Samaritan manuscripts, which he compared. But he resorts to conjecture in order to effect this; conjecture supported by no well grounded rules of judging. The Codex Oratorii, used by Morin, he supposes to have been copied in the eleventh century; while all the others, except one, are conceded to be of more recent origin. One he assigns to the eighth century. On what uncertain grounds the reasoning of Kennicott and De Rossi about the age of Hebrew and Samaritan Manuscripts rests, need not be told to any one acquainted with the present state of Hebrew literature.

The materials, on which the Samaritan manuscripts are written, are either parchment or silk paper. Ordinary paper has been used, in recent times, only to supply some of the defects in them.

The Christian world, before Morin published his famous *Exercitationes Ecclesiasticæ in utrumque Samaritanorum Penta-*

teuchum, (1631,) had been accustomed to resort only to the Jewish Hebrew Scriptures, as exhibiting the well authenticated and established text of the Mosaic law. From this remark may be excepted the few, who attached a high value to the Septuagint version, and preferred many of its readings to those, which are found in the Jewish Scriptures. But the publication of Morin soon excited a controversy, which, even at the present hour, has not wholly subsided. As the Samaritan copy of the law, in a multitude of places, agreed with the version of the Seventy, Morin maintained that the authority of the Samaritan, particularly when supported by the Septuagint, was paramount to that of the Jewish text. He labored, moreover, to show, that in a multitude of passages, which in that text as it now stands are obscure and difficult, or unharmonious, the Samaritan offers the better reading; that the Jews have corrupted their Scriptures by negligence, or ignorance, or superstition; and that the safe and only way of purifying them is, to correct them from the Samaritan in connexion with the Septuagint.

The signal was now given for the great contest, which ensued. Cappell, in his *Critica Sacra*, followed in the steps of Morin; but De Muis, Hottinger, Stephen Morin, Buxtorf, Fuller, Leusden, A. Pfeiffer, each in separate works published within the seventeenth century, attacked the positions of Morin and Cappell. Their principal aim was to overthrow his positions, rather than to examine the subject before them in a critical and thorough manner.

Much less like disputants, and more like impartial critics, did Father Simon, Walton in his *Prolegomena*, and Le Clerc conduct themselves, relative to the question about the value and authority of the Samaritan Pentateuch. In particular, Simon has thrown out suggestions, which imply for substance the same opinions on many controverted points, that the latest and best critics, after all the discussion which has taken place, have adopted.

But during the latter part of the last century, when the fierceness of controversy seemed to have abated, Houbigant, treading in the steps of J. Morin, renewed it, in the *Prolegomena* to his Bible. With him other controvertists united. Kennicott, in various works, A. S. Aquilino, Lobstein, and Alexander Geddes, have all contended for the equal or superior authority of the Samaritan Codex. Houbigant was answered, in a masterly way, by S. Ravius, in his *Exercitationes Philologicæ*,

1761. Recently, Michaelis, Eichhorn, Bertholdt, Bauer, and Jahn, have discussed the subject in question with a good degree of moderation and acuteness. But they have all inclined to attach considerable value to many of the Samaritan readings; although most of them consider the Samaritan Pentateuch, on the whole, as of inferior authority, compared with the Hebrew.

Thus the matter stood, when Gesenius entered upon the discussion of it in the treatise which is first named at the head of this article. The great extent of critical and philological knowledge which he had acquired, fitted him in a peculiar manner for the difficult task which he undertook; for difficult it would seem to be, to settle a question that had been so long disputed by the master critics, and still not brought to a termination. What those who best knew the talents of this eminent writer would naturally expect, has, for the most part, been accomplished. He has settled the question, (it would seem forever settled it,) about the authority of the Samaritan Pentateuch compared with that of the Hebrew; or rather, he has shown, as we shall see by and by, the nature of the various readings exhibited by the Samaritan Pentateuch to be such, that we can place no critical reliance at all upon them. They are all, or nearly all, most evidently the effect of design, or of want of grammatical, exegetical, or critical knowledge; or of studious conformity to the Samaritan dialect; or of effort to remove supposed obscurities, or to restore harmony to passages apparently discrepant. On this part of the subject there can be little or no doubt left, hereafter, in the mind of any sober critic.

Gesenius has divided the various readings, which the Samaritan Pentateuch exhibits, into *eight* different classes, for the sake of more orderly and exact description. The first class consists of such as exhibit *corrections merely of a grammatical nature.* For example, in orthography the *matres lectionis* are supplied; in respect to pronouns, the usual forms are substituted for the unusual ones; the full forms of verbs are substituted for the apocopated forms; the paragogic letters affixed to nouns and participles are omitted, so as to reduce them to usual forms; words of common gender are corrected so as to make the form either masculine or feminine, where the word admits of it, (for example, נער is always written נערה when it is feminine); and the infinitive absolute is often reduced to the form of a finite verb.

The second class of various readings consists of *glosses received into the text.* For the most part these exhibit the true

sense of the original Hebrew; but they explain the more difficult words by such as seemed to be plainer or more intelligible.

The third class consists of those, in which there is a *substitution of plain modes of expression, in the room of those, which seemed difficult or obscure in the Hebrew text.* The fourth, of those in which *the Samaritan copy is corrected from parallel passages, or apparent defects are supplied from them.* The fifth is made up of *additions or repetitions respecting things said and done;* which are drawn from the preceding context, and again recorded so as to make the readings in question. The sixth, of *such corrections as were made to remove what was offensive in respect to sentiment,* that is, which conveyed views, or narrated facts, that were deemed improbable by the correctors. For an example, we refer to the famous genealogies in Genesis v. and xi. in which the Samaritan copy has made many alterations, evidently *designed.* In the antediluvian genealogy, the corrections are so made that no one is exhibited as having begotten his first son, after he is one hundred and fifty years old. Thus the Hebrew text represents Jared as having begotten a son at the age of one hundred and sixtytwo years; but the Samaritan takes one hundred years from this. In the postdiluvian genealogy, it follows a different principle of correction. No one is allowed to have begotten a son, until after he was fifty years of age; so that one hundred years are added to all those who are represented by the Hebrew text as having had issue under that age, with the exception of Nahor, to whom fifty years are added. The effects of *design* are most visible in all these corrections; and equally so in the corresponding Septuagint genealogies, we may add, which, while they differ from both the Hebrew and Samaritan, bear the marks of *designed* alteration most evidently impressed upon them. Other examples of a like nature may be found in the Samaritan copy, in Exodus xii. 40. Genesis ii. 2. Genesis xxix. 3, 8. Exodus xxiv. 10, 11.

The seventh class of various readings consists of those, in which *the pure Hebrew idiom is exchanged for that of the Samaritan.* This has respect to many cases of orthography; to the forms of pronouns; to some of the forms of verbs, for example, the second person feminine of the præter tense, which in the Samaritan has a *Yodh* paragogic; and to the forms of nouns etymologically considered.

The eighth class consists of those passages, *where alterations have been made so as to produce conformity to the Samaritan*

theology, worship, or mode of interpretation. For example, where the Hebrew has used a plural verb with the noun אֱלֹהִים *Elohim*, the Samaritan has substituted a verb in the singular number (Genesis xx. 13. xxxi. 53. xxxv. 7. Exodus xxii. 9.) lest the unity of God should seem to be infringed upon. So in many passages, where anthropomorphism or anthropopathy is resorted to by the sacred writer, in relation to God, the Samaritan has substituted different expressions. In Genesis xlix. 7, where Jacob, when about to die, says of Simeon and Levi, *Cursed be their anger* (אָרוּר אַפָּם), the Samaritan has altered it to *lovely is their anger* (אדיר אפם). In the blessing of Moses, Deuteronomy xxxiii. 12, Benjamin is styled יְדִיד יְהוָה *beloved of Jehovah*, which the Samaritan has altered to יד יד יהוה *the hand, the hand of Jehovah shall dwell* &c. In a similar manner, euphemisms are substituted, in various parts of the Pentateuch, for expressions which appeared to the Samaritan critics unseemly or immodest. Finally, in the famous passage in Deuteronomy xxvii. 4, the Samaritan has changed *Ebal* into *Gerizim*, in order to give sanction to the temple which they built, not long after the time of Nehemiah, upon the latter mountain. Kennicott has warmly contested the Hebrew reading here, and defended the Samaritan; but the question was settled against his opinion by Verschuir, in his *Dissertt. Exeget. Philologicæ*, published in 1773, to the universal satisfaction, we believe, of all biblical critics.

Some of the classes of various readings here described are hardly intelligible, perhaps, to the cursory and general reader; nor will the difference between some of them, (for example, between the second and third class,) be plain to any reader, who does not consult the work of Gesenius, and compare the examples proposed. Under all the classes of various readings, he has produced a multitude of examples, almost to satiety, so as to remove all rational doubt as to the positions which he advances. Never before did the Samaritan Pentateuch undergo such a thorough critical examination; and never, perhaps, in a case that was difficult and had been long contested, was truth made more evident and convincing. Only four various readings in the whole Samaritan Pentateuch, are considered by Gesenius as preferable perhaps to the Hebrew text. These are the well known passages in Genesis iv. 6. xxii. 13. xlix. 14. and xiv. 14; all of little importance, and all, we are well persuaded, of

such a nature, that the probability is quite in favour of the Hebrew text. But this is not the proper place for a discussion of such a subject, and we forbear to pursue it.

The result of Gesenius' labors has been, so far as we know, to ruin the credit of the Samaritan Pentateuch, as an *authentic* source of correcting the Hebrew records; a result of no small importance, considering the thousands of places in which it differs from the Hebrew, and the excessive value which has been set upon it by critics of great note, in different parts of Europe. The biblical student will henceforth know how little dependence he can place on the Samaritan Codex, to help him out in any difficulties of lower criticism; and he will sincerely rejoice too, that the superior purity of the Jewish Pentateuch over that of rival records differing so often from it, is so solidly established.

Of the sixtyfour quarto pages, which the dissertation of Gesenius occupies, about forty are employed in exhibiting the classes of various readings which have been described. This is the most important and most satisfactory part of the work. About the merits of this, there can hardly be but one opinion, among all who are conversant with sacred criticism. According to the arrangement of the author, this constitutes the second part of his dissertation.

In the first part, he has discussed the difficult questions, which respect the *origin* and *antiquity* of the Samaritan Pentateuch. Here, also, we discover everywhere the hand of a master in criticism; but we are not prepared, by any means, to accede to all the positions which he has taken. To examine them, however, and to state our reasons for dissent, is by far the most difficult part of the task, which we have undertaken. But as the subject is intimately connected with some of the most interesting topics, which have lately been agitated in the critical world, we hope that at least one class of our readers will not be displeased to have it laid before them.

It is the opinion of Gesenius, that the Pentateuch did not receive its *present* form, that is, it was not regularly digested and arranged, until the time of the Babylonish captivity. Of course, the Samaritan Pentateuch must have originated still later. He regards that time as the most probable, from which to date the origin of the Samaritan Codex, when Manasseh, the son in law of Sanballat the Samaritan governor, and brother of the high priest at Jerusalem, went over to the Sama-

ritans, built a temple on mount Gerizim, by the aid of his father in law, and instituted the Mosaic worship there. Many of the peculiar readings of the Samaritan Codex, he thinks, can be accounted for by such a supposition; and at all events, we must suppose that Manasseh carried a copy of the Jewish law along with him.

It must be quite apparent, indeed, that if the Jewish Pentateuch did not receive its present form until the Babylonish exile, the Samaritan Codex must have originated still later; and no time of its origin is more probable, on this ground, than that which Gesenius has assigned to it. But that the Jewish Pentateuch had a much earlier date than is here assigned to it, is what we fully believe. To state all the reasons of this, and to examine all the objections made against this opinion by recent critics, would require a volume, instead of the scanty limits of a review. We shall merely advert therefore, in the first place, to some of the leading reasons why we believe that the Hebrew Pentateuch, with the exception of a very few isolated passages, came from the hand of Moses; next, examine briefly the reasons which are alleged against this; and then endeavor to show why a more ancient date is to be assigned to the Samaritan Pentateuch, than Gesenius gives it.

That the Pentateuch, as to all its essential parts, came from the hand of Moses, appears to be probable from the following considerations.

1. The Pentateuch itself exhibits direct internal evidence, that it was written by Moses.

Thus, in Exodus xvii. 14, after an account of the contest between Israel and Amalek, it is added, *And the Lord said unto Moses, Write this for a memorial in the book*, (בַּסֵּפֶר with the article, not בְּסֵפֶר), that is, as the meaning seems obviously to be, in the book already begun and in which other things were recorded, in the well known book. So in Exodus xxiv. 4, 7, after the law had been given at Mount Sinai, it is said, that *Moses wrote all the words of the Lord*, and then, that *he took the book of the covenant, and read in the audience of the people*. Afterwards, when many more laws had been added, *the Lord said unto Moses, Write thou these words*, Exodus xxxiv. 27. If it be said, All this has respect only to laws or statutes; the answer is easy. In Numbers xxxiii. 1, 2, it is said, that *Moses wrote the goings out* [of the children of Israel] *according to their journeys, by the commandment of the Lord*. This, it will be recollected, was

at the close of their wanderings through the desert, after they had come to the plains of Moab, and were consequently on the very borders of the promised land. The close of the book of Numbers declares, that *these are the commandments and the judgments which the Lord commanded by the hand of Moses.* To what can *these* refer, but to the written contents of the preceding book? Finally, in Deuteronomy, which exhibits a repetition of the most important laws for the Jewish nation, *this law, the words of this law,* and *the book of this law,* are frequently adverted to. So in Deuteronomy xvii. 18, the future king of the Israelites is enjoined to write out for himself a *copy of this law,* that he may learn *to keep all the words of this law* (v. 19); in chapter xxx. 10, mention is made of the *statutes written in this book of the law;* in xxxi. 11, Moses commands that *this law shall be read before all Israel in their hearing,* that (v. 12) *they may observe to do all the words of this law.* Particularly worthy of note are the two following passages; Deuteronomy xxviii. 61, where *every plague not written in this book* is threatened, in case the Israelites are disobedient; and Deuteronomy xxxi. 9—13, 19, 22, compared with xxxi. 24—26, from which it appears not only that Moses wrote some things in the preceding book, but that he wrote until *the whole was completed or finished,* and then deposited the book in the side of the ark of the covenant.

It were easy to add other testimony of the like nature, from the Pentateuch itself; but it is superfluous. The fact, that the Pentateuch itself, *as a whole,* claims to be written by Moses, cannot reasonably be doubted, until it can be shown that it existed, in former days, in numerous distinct volumes, so that a passage in one, which has a reference to its composition by Moses, can be reasonably supposed to relate to nothing farther than the single parcel or small roll, in which such passage is found. But this has never been shown, and never can be. All the evidence before us is of a different nature, inasmuch as it all goes to establish the belief, that the Pentateuch, from time immemorial, has been regarded only as *one* volume.

2. The remaining books of Scripture ascribe the Pentateuch or Jewish law to Moses as its author.

The book of Joshua, although reduced to its *present* form in later times, was undoubtedly composed, in respect to its essential parts, at a very early period. In this book, frequent references may be found to the *book of the law.* For example, Joshua is

commanded *to do according to all which the law of Moses commanded;* and it is enjoined upon him that *this book of the law should not depart out of his mouth*, Joshua i. 7, 8. Joshua, in taking leave of the people of Israel, exhorts them *to do all which is written in the book of the law of Moses*, xxiii. 6; and he recites, on this occasion, many things contained in it. When the same distinguished leader had taken his final farewell of the tribes, he wrote the words of his address *in the book of the law of God*, xxiv. 26. In like manner, it is said, Joshua viii. 30 seq. that Joshua built an altar on mount Ebal, as *it is written in the book of the law of Moses*, and that *he read all the words of the law, the blessings and the cursings, according to all that is written in the book of the law.* These references, in a book the substance of which is confessedly of very early date, are of great importance in the investigation of the question, whether the Pentateuch is to be assigned to the time of Moses, or set down, as Gesenius has set it, to the time of the Babylonish exile.

In other historical books, to which the finishing hand was not put until the time of the captivity, but the principal parts of which existed in records of a much older date, the law of Moses is referred to in a similar way. David, on his dying bed, exhorts Solomon, in all things to conduct himself agreeably to what is *written in the law of Moses*, 1 Kings ii. 3. In 2 Kings xiv. 1—6, it is related that Amaziah slew not the children of those, who had murdered his father; and that he spared them according to *that which is written in the book of the law of Moses;* a passage of which is then quoted, from Deuteronomy xxxiv. 16. In 2 Kings xxii. 8, Hilkiah, the high priest, is represented as having found in the temple a book, which is there called *the book of the law;* in xxiii. 2, *the book of the covenant;* and in 2 Chronicles xxxiv. 14, *a book of the law of the Lord, given by Moses.* In 2 Kings xxiii. 21—23, Josiah is said to have given orders that the passover should be kept, *as it is written in the book of the covenant.*

In Ezra and Nehemiah frequent references are made to the same book. But as these books were written after the return of the Jews from the Babylonish exile, we will not insist upon their testimony. Gesenius would admit that the Pentateuch was reduced to writing about the commencement of the exile; and therefore he might except to any citations from books written after this period and appealing to it, as proof that the Penta-

teuch was early committed to writing. But there is one circumstance, in the frequent appeals made to the law of Moses in the books of Ezra and Nehemiah, which is not easily explained on the ground which he takes. This is, that the appeal is everywhere made to the book of the law, as a book which came from the hand of Moses; which was sanctioned by his authority; which was unhesitatingly and universally admitted to be such by the Jews; and which no one therefore would venture to contradict or call in question. How could the whole Jewish nation be made to believe this, if the Pentateuch had been forged only some half a century before? It cannot be contended that there were not many enlightened men among the Jews, at the time of their return from the captivity. To mention Zorobabel, Ezra, Nehemiah, Zechariah, Haggai, and Malachi, is sufficient to prove this; if we say nothing of many others, who might be added to these. Were not these men, too, *honest* as well as *enlightened?* And if so, how can we suppose them to have palmed the Pentateuch upon the Jewish nation as the work of Moses, when they must have known it not to be so, if it had been composed near, or during, the time of the exile?

In like manner, we might appeal to all the earlier prophets, in confirmation of the idea, that the Pentateuch was, in their day, substantially what it now is. Hosea, Joel, Amos, Micha, and Isaiah appeal to the precepts of the Mosaic law, and to the facts which are related in it; and they appeal to it as a book of paramount authority, which ought to settle every dispute, and to repress every transgressor. The appeals, moreover, which they make, are not merely to particular statutes comprised in the Pentateuch, but to various matters both historical and preceptive, taken without distinction from *all* the present books of the law of Moses.

To produce instances of all these appeals, would occasion too long delay on this part of our subject. We must be content with referring any who may doubt what is here stated, to Rosenmueller on the Pentateuch, (third edition, 1821, *Prolegomena*, page 11,) where he will find a synoptical view of references by the early prophets to the Pentateuch; or to Jahn's *Introduction to the Books of the Old Testament*, where, in his discussion respecting the age of the Pentateuch, ample references may be found to passages quoted by the different writers, during the ages that followed the time of Moses.

We omit also the very numerous and decisive appeals in the

New Testament, to the Pentateuch as the work of Moses; not because we doubt that they are conclusive in respect to the fact itself, for this all must admit, who regard the writers of the New Testament as under divine guidance in the composition of their works; but because such an appeal would probably be one, the force of which Gesenius would not admit. In matters of criticism, he regards the apostles and prophets as erring in common with the age in which they lived. Setting aside, then, all that ground of appeal which he would dispute, we have appealed only to those writings which preceded the captivity, or were composed either during this event, or so near it, that the authors must have known whether the Pentateuch was a recent book. We are willing to risk the whole question on the appeals which have been made, if they may be judged of by the same rules, which critics every day apply to the decision of questions that have respect to the Greek and Roman classics, or any other ancient writings.

3. Justice, however, to this important subject, obliges us to add some other considerations in favour of the antiquity of the Pentateuch, which may be called *indirect* testimony.

With a few solitary exceptions, everything in the Pentateuch conspires to prove its antiquity. Its historical, religious, political, and geographical matter, is such as might be expected in a book of the age which is claimed for it. The Exodus of the Hebrews under Moses as a leader, is a fact that no one doubts; and the history of this, during forty years of wandering around the Arabian desert, is such as might be expected. It has been alleged, as a very formidable objection against the authorship of Moses, that the whole of the Pentateuch is in a *fragmentary condition*, exhibiting the formulas appropriate to the beginnings and endings of different compositions by a variety of persons; that it exhibits a variety of repetitions, both of laws and facts; and a considerable number of discrepancies, which could not have proceeded from one and the same writer. But this argument is far from convincing us that Moses was not the author. In fact, when thoroughly examined, it serves very much to strengthen us in the opinion that he was. Moses was forty years, at least, in completing the Pentateuch. Nothing can be more improbable, therefore, than the supposition that he did, or could (occupied as he was) sit down and write the whole *continuously*, and agreeably to a plan previously arranged. His work, then, would necessarily contain a great many different compositions,

each of which would very naturally have some formula of commencement and conclusion. Nothing could be more accordant with the condition and circumstances of Moses than this.

Besides, there are most evident marks in the very nature of the composition, that much of it must have been written at the time when the facts, to which allusion is made, took place. For example, in the history of building the tabernacle (Exodus xxv—xxxi), we are presented with a draft for the model of it. We must believe this was drawn by the hand of Moses; for chapters xxxvi—xl exhibit a minute record of the accomplishment of this work, which is only a counterpart of the draft. It is perfectly natural, now, to suppose that the draft was first written out by Moses, and then the accomplishment of the work, piece by piece, recorded by himself, or by some one appointed by him to superintend it; and thus came about so long a series of architectural description, and the repetition of it. But who can suppose that a writer, several centuries afterwards, would repeat an account of *such* matters, in this minute way? Or whence could he possibly have derived the knowledge requisite for such a description? Surely tradition could never have preserved minutiæ, of such a nature as the compositions in question exhibit; above all, it could not have presented them in the same order and copiousness, and with the same repetitions, that are now exhibited in the passages just described.

We ask, further, whether such a census as is contained in Numbers i. and ii, also in Numbers xxxiv, could have been orally and traditionally preserved? Above all, is it possible that the number and order of the Levitical rites and ordinances could have been kept merely in memory? Could a service, so important as this was deemed by the author of the Pentateuch, be left to mere *oral* tradition for preservation, when the art of writing was already in use? Could a service so complex in its nature, consisting of such a countless number of particulars, and to be performed by so great a multitude of priests, have been left to chance and to evervarying tradition for its regulation? The code for the priests occupies no small part of the Pentateuch; and when we find that the Jewish sacrifices, in all the ages which succeeded Moses, appear to have had, and in fact must have had, some rules, to which appeals about the time and manner of offering them were made; some rules, for the neglect of which priests and people are charged with disobedience and a wayward spirit; can it be that there was, during all this time,

no code for the priests except what was preserved by mere *oral* report? The thing is altogether improbable.

But when it is averred, that repetitions of the same subject, additions made to laws, and changes made in them, imply that different and discrepant traditionary accounts were, in some later age, thrown together by some anonymous compiler of the Pentateuch, we must avow that a very different conviction arises in our minds, from the knowledge of facts like these. For example, the law respecting the passover is introduced in Exodus xii. 1—28; resumed Exodus xii. 43—51; again in chapter xiii; and once more, with supplements, in Numbers ix. 1—14. Would a compiler, after the exile, have scattered these notices of the passover in so many different places? Surely not; he would naturally have embodied all the traditions concerning it in one chapter. But now, everything wears the exact appearance of having been recorded in the order in which it happened. New exigencies occasioned new ordinances, and these are recorded, as they were made, *pro re natâ*.

In like manner, the code of the priests not having been finished at once in the book of Leviticus, the subject is resumed, and completed, at various times, and on various occasions, as is recorded in the subsequent books of the Pentateuch. So the subject of sin and trespass offerings is again and again resumed, until the whole arrangements are completed. Would not a later compiler have embodied these subjects respectively together?

Besides repeated instances of the kind just alluded to, cases occur, in which statutes made at one time are repealed or modified at another. We refer to such examples, as our readers may find in Exodus xxi. 2—7, compared with Deuteronomy xv. 12—17; Numbers iv. 24—33, compared with Numbers vii. 1—9; Numbers iv. 3, compared with Numbers viii. 24; Leviticus xvii. 3, 4, compared with Deuteronomy xi. 15; Exodus xxii. 25, compared with Deuteronomy xxiii. 19; Exodus xxii. 16, 17, compared with Deuteronomy xxii. 29; and other like instances. How could a compiler, at the time of the captivity, know anything of the original laws, in these cases, which had gone into desuetude from the time of Moses?

All these things, to which we have been adverting, so far from strengthening the cause of those who deny the early age of the Pentateuch, serve to show, in our apprehension, that it was written, as it purports to be, by the great Jewish legislator, at

different times, *pro re natâ*, and in many different parcels at first, which were afterwards united. That the union of these might have taken place near the death of Moses, or still later, is altogether possible; nay, considering circumstances by and by to be mentioned, quite probable. That Moses wrote the whole Pentateuch with his own hand, need not be maintained; for what difference can it make with the authenticity of the book, whether he wrote it all with his own hand; or employed an amanuensis to whom he dictated it; or made use of some compositions which were from the pens of others, reviewing them and adapting them to his purpose? All late writers, who have critically examined the book of Genesis, concede the latter, in respect to that book. But by conceding this, neither the value of the book is diminished, nor its authority; nor is the fact at all impugned that Moses is the author of the Pentateuch. What he may have taken from others, and adapted to his own purpose, and sanctioned with his authority, is to be ascribed to him in every sense (so far as the *authority* of religious truth is concerned) which is worth contending about. Moses is the *voucher* for all that has passed through his hands; and that is sufficient.

4. In all the history of the Jews, throughout the Old Testament, whether it be found in the books which are merely historical, or adverted to in the prophets, there are laws, rules, and prescriptions referred to and implied, a departure from which lays the foundation of reproof; and a compliance with which is matter of commendation. It will be admitted that the laws &c. adverted to, appear to be uniformly the *same*. Now can such a case be well supposed, unless the record of such laws and prescriptions was reduced to writing?

5. Universal tradition, from the earliest ages down to the present hour, among Jews and Christians, ascribes the Pentateuch to Moses. The few critics who have in modern and recent times impugned this, are the only exception to be made to this statement. This argument is the same as that which satisfies us that Homer wrote the Iliad; Hesiod, the Theogony ascribed to him; Herodotus, the history which bears his name; and Virgil, the Æneid. In our apprehension, there is as little of solid ground to call in question the genuineness of the Pentateuch, as of the heathen writings just mentioned.

We have merely touched on some of the leading topics of argument, in respect to this great subject. We must necessarily

pass by a multitude of minor considerations, which might be added to strengthen what has been said, and hasten to some brief remarks on the arguments which are urged against the antiquity of the Pentateuch.

All the arguments of this kind may be reduced to three classes; namely, those drawn from the diction or language of the Pentateuch; those deduced from the general style and conformation of it; and such as are derived from particular passages, which are said necessarily to imply an age later than that of Moses.

1. In regard to the language of the Pentateuch, it is averred that it is throughout substantially the same with that, which appears in the books composed five hundred or more years later, that is, at or after the time of David; nay, the same as is found one thousand years later, in the books written at the time of the exile. No nation, it is averred, ever preserved a uniformity in a living language, for so long a period. No example of such a nature can be produced. Consequently, the Pentateuch must have been written at a later period.

In respect to this argument, we have to reply, that conceding for the present the statement to be true, respecting the sameness of language in the Pentateuch and later Hebrew writings, yet there are not wanting facts of a similar nature, to show that this argument has little or no weight. For example, the old Syriac version of the New Testament, called the *Peshito*, made probably in the second century, differs very little in respect to language from the *Chronicon* of Bar Hebræus, written about one thousand years later. The language of the Koran, and of the Arabic just before and after the Koran was written, differs but slightly from that of the Arabic writers from the tenth down to the eighteenth century. So Rosenmueller and Jahn both assert; whom all will allow to be competent judges of this fact. And what is still more in point; Confucius, the celebrated Chinese philosopher, lived and wrote about five hundred and fifty years before Christ. Yet Dr Marshman, his translator, asserts, that there is very little difference between his diction, and that of the Chinese writers of the present day. One Chinese commentary, which Dr Marshman consulted, was written one thousand and five hundred years after the work of Confucius; and another, still later; and yet he tells us that he found no difference between the commentaries and the original, in respect to style and diction, excepting that the original was

more concise. Here then is a period of more than two thousand years, in which language has been preserved uniform. Such facts, in connexion with the well known aversion to changes among the oriental nations; and the consideration that the Hebrews were altogether a secluded people, having no commerce, and but little intercourse with foreigners, having no schools in philosophy, and making no advances in the arts and sciences, so as to create the necessity of introducing new words into their language—such facts would deprive the argument in question of all its power to convince, even if the assertion on which it is grounded were true.

But in this case, (as in many others, where the attractions of novelty have led men to make hasty and ungrounded conclusions,) the fact, upon examination, turns out to be altogether untrue. After it had been asserted, and repeated by the *neological* class of critics, in every part of the continent of Europe, the late Professor Jahn of Vienna undertook the investigation of it, by betaking himself to his Hebrew concordance, and looking the whole store of Hebrew words through and through, to find where and by whom they were employed. The result of this gigantic labor has been published, since his death, in two essays, printed in Bengel's *Archiv für die Theologie*, vol. ii. and iii. Two more essays in defence of the antiquity of the Pentateuch, the author had planned; but death interrupted his most valuable labors.

This writer has collected from the Pentateuch more than two hundred words, which are either not used at all in the other books; or are not used in the same sense; or have not the same form; or, if employed at all, are employed but in few instances, principally by the poets, who prefer the older diction. It would be out of place to give examples here, and we can only refer our readers to the work itself for ample satisfaction. To the class of words already named, the author has added a second class, still larger, of words frequently used in the later writings, and but seldom or not at all used in the Pentateuch. From the class of words so unexpectedly large, that are found to be peculiar to the Pentateuch, are excluded by Jahn, all proper names of persons, countries, cities, and nations; the names of various diseases and their symptoms, referred to in the Pentateuch; of defects in men, priests, and offerings in regard to ceremonial purity; the parts of offerings; and the objects in the three kingdoms of nature. Besides these, the multiplied

instances of peculiar phraseology are excluded. If all these had been *included*, he asserts it would have made the catalogue of peculiarities four or five times as large as he has now made it. Of this we doubt not. But enough is already done to put the question forever at rest, about the uniformity of the language of the Pentateuch with that of the later books. The labor of Jahn is one of those triumphant efforts, which patient and long continued investigation sometimes makes, to overthrow theories, which the love of novelty, reasoning *a priori*, or superficial investigation, ventures upon. Gesenius himself has not, in the work which we are reviewing, ventured on the argument against the early date of the Pentateuch, drawn from its language; but in an earlier work, his *History of the Hebrew Language*, he has appealed to this very argument as his main support; although his Lexicon itself, which points out the earlier and later usage of words among the Hebrews, sufficiently contradicts it.

It is gratifying to find that Rosenmueller, who, in the early editions of his commentary on the Pentateuch, appeared as a strenuous advocate for its late origin, has, in the Prolegomena to his third edition, attacked, and in our judgment overturned, the opinions, which in younger days he had broached. This shows a fairness of mind, which is promising, in respect to this learned critic. For the conviction, which led him to do this, he is plainly indebted to Jahn; as any one may satisfy himself, who will take the pains to compare the essays of Jahn with what he has written.

2. We hasten to the second source of objections against the antiquity of the Pentateuch, drawn from the general style and conformation of it.

Much that has been alleged here, we have already anticipated, under our third head of arguments in favor of the position, that Moses was the author of the Pentateuch. All the various introductions and conclusions of different pieces in the Mosaic books, all the repetitions and minor discrepancies, so much insisted on as proof of later compilation, we consider a presumptive evidence in favor of its composition by Moses; inasmuch as they accord very exactly with the real circumstances in which he was placed, when he wrote the books that are ascribed to him.

In regard to the allegations made, that there is a great diversity of style in the Pentateuch; above all, that the book of Deuteronomy is exceedingly diverse from the three other books,

and betrays a later and a different hand; and consequently the whole can never be ascribed to Moses as the author; we confess ourselves not to be much moved by allegations of this nature. De Wette, Vater, Gesenius, and other critics aver indeed, that the style of Deuteronomy is widely different from that of the other Mosaic books; but Eichhorn, Eckermann, Herder, and many others of those who are called the most liberal critics, aver that the same style is everywhere to be met with in the last book of Moses, as in the others. *De gustibus non disputandum.* We may add, *A gustibus non argumentandum.* The *subjective* feelings of men, in regard to matters of this kind, are exceedingly liable to be guided by their previous intellectual views. Such is actually the fact, in regard to a multitude of cases, which every one at all conversant with the history of literature and criticism knows. Most abundantly satisfied we are, that the mere judgment of a modern occidental man, depending on his taste and fine perception of oriental and Hebrew niceties of style, is not to come in competition with *facts*, such as have already been adduced.

One amusing instance of criticism of this sort we will stop to relate; as it may serve to aid what we are endeavoring to enforce in respect to our subject. Every tyro in criticism knows something of the celebrated Wolf, at Berlin; and that he published very long and learned *Prolegomena* upon Homer, in which he labored to show, that the Iliad and Odyssey are, to an extent even unknown, spurious productions. The whole classical world has been obscured, by the smoke and dust which he has raised. The same Wolf, in his edition of some of Cicero's orations, says, (p. 4 and 7 of the Introduction to the Oration for Marcellus,) 'Quatuor orationibus Ciceronianum nomen *detraxi*. . . . Adeo mihi in oratione pro Marcello certa et perspicua videbantur inesse indicia νοθείας, et mirificus error, per tot sæcula propagatus, plane et evidenter convinci posse.' Just so De Wette and Vater speak respecting the Pentateuch. But Weiske, in his *Commentarius perpetuus et plenus in Orationem pro Marcello*, p. 5, seq. has taken the very same grounds, which Wolf has rested upon in order to impeach the genuineness of this oration, and applied them to prove that Wolf did not write the criticism which he has published; and with complete effect.

How much now can be made of such confident judgments, formed merely by subjective taste? Above all, can they be

relied on, when they overturn the established and uniform opinion of all preceding ages?

In our apprehension, there is a difference between the style of Deuteronomy and of the preceding books, like to that existing between the style of John's epistles and of his gospel. Old age is diffuse and affectionate. Both these traits are strongly marked in Deuteronomy, and in John's epistles. The case is different with the preceding books of the Pentateuch, and with the gospel of John. More than this cannot well be proved. Jahn has shown, that with the exception of a small portion at the end of the book, Deuteronomy has all the archaisms and peculiarities of the Mosaic writings.

3. The third class of objections it would take a moderate volume to discuss *seriatim*. We shall therefore choose only two or three topics, which exhibit a principle of reasoning that may be applied to all the particular cases.

The principal objections adduced by Gesenius, in the work which we are reviewing, against the antiquity of the Pentateuch, are founded on the principle, that many passages in it, particularly in the book of Deuteronomy, betray an exact knowledge of facts that happened in later ages. The argument is this; Moses could not have a definite knowledge of such facts, and consequently Moses did not write the passages in question, but some person who lived after the events described had taken place, or when they were apparently about to take place. He appeals for proof of this to Genesis xlix, as containing a graphic account of the fate and fortune of the twelve tribes; to Genesis xlviii. 8, seq. which exhibits similar matter, as also does Deuteronomy xxxiii. 1. He appeals to the threatenings in Leviticus xxvi, which, he says, are obviously such as the prophets were accustomed to utter in later ages, just before the events threatened took place. The same objection he makes to Deuteronomy xxxiii. The dispersion of the Jews, threatened in Deuteronomy iv. 27, 28, and xxviii. 25, 36, seq. he thinks must have been written after the event had commenced; and the law respecting false prophets, in Deuteronomy xiii. 1, and xviii. 20, must have been occasioned by the existence of them, which was long after the time of Moses.

All this, it is easy to perceive, turns on one single point, namely, whether Moses could and did possess a prophetic spirit, or the power of predicting events that were future. We believe that it is possible for the God who made men, to endow them

with such a spirit. On the testimony of Jesus and his apostles (not to mention other reasons which we have), we believe in the fact that Moses did possess this spirit. Now as it is plainly impossible to prove that he did not possess it, much more so that he could not possess it, any argument, built on the assumption that a knowledge of future events supernaturally communicated is an impossibility, can never be a valid argument against the early existence of a book which implies such a knowledge in the author. The question, whether Moses wrote the Pentateuch or not, is simply a *historical* one; and it cannot therefore depend on a philosophical maxim, which is founded on mere *à priori* principles of reasoning. The same argument which Gesenius here uses to disprove the antiquity of the Pentateuch, would disprove the existence of real prediction in any part of the Scriptures. We hesitate not to avow, that we can never be convinced by an argument which extends so far as this.

In the same strain of argument, our author alleges that Exodus xv. 13, 17, alludes to Jerusalem as a stated place of worship, and therefore the song in this chapter must have been composed after the events to which it alludes had taken place. This, if the nature of the argument were valid, depends on an interpretation of the passage which we regard as quite unnecessary, and in fact indefensible.

Such is the substance of the objections alleged by Gesenius against the antiquity of the Hebrew Pentateuch, and which go to prove, as he declares, that it must have been composed later at least than the time of Solomon.

Others have drawn out at great length all the particular passages, which necessarily imply, as they allege, a late composition of the books in question. For example; there are several passages where the ancient name of a town is mentioned, and then a later name is added. As an instance; in Genesis xiv. 7, the name Bela occurs, after which it is added, 'the same is Zoar.' So Genesis xiv. 7, 17. xxiii. 19. xxxv. 19. xlviii. 7. Deuteronomy iv. 48. There are some passages, too, where a more modern name occurs simply; as Hebron, in Genesis xiii. 18, compare Joshua xiv. 15. xv. 13. So Dan, in Genesis xiv. 14. Deuteronomy xxxiv. 1, compare Joshua xix. 47. Judges xviii. 29.

We very readily concede the point, that a few glosses of this nature, explanatory of more ancient geography, were added to the Pentateuch by later writers, in order to make it more intelligible to the men of their times. But the fact, that these glosses

stand so in relief, as it respects the original text, that a critic cannot well hesitate where they begin and where they end, is so far from being a proof that the whole books of Moses were composed in a later age, that it is manifestly a proof to the contrary. How could a late writer scarcely ever betray the age in which he lived? How could it be, that he should introduce no foreign terms into his work but such as are Egyptian, in the midst of all the intercourse which the later ages had with the nations of the north and the east? Questions difficult to be answered; and which have never been answered to our satisfaction, by any who oppose the antiquity of the Pentateuch.

We conclude this protracted part of our discussion, by a few remarks on the usual method of treating our subject.

The advocates for the antiquity of the Pentateuch have not unfrequently made such extravagant claims for the genuineness of every part of it, even the minutest, that they have unwarily contributed, in no small degree, to aid the assaults of their opponents. Will any man believe, for example, that Moses wrote the account of his own death and burial, which is placed at the end of the Pentateuch? May it not be conceded as probable, that the long genealogy of the kings of Edom, in Genesis xxxvi. was completed by some later hand? And when 'the man Moses' is described as 'meek beyond all others,' may not some other hand than his own have added this? Such high claims, which can never be rendered valid, nor shown to be reasonable, only serve to expose a good cause to the assaults of those who oppugn it. If they can triumph over one and another argument, which want of acquaintance with the subject, or superstition, or excessive views about the kind of perfection attached to the Scriptures have led men to use; they are very prone to carry an analogy forward, and extend it to all the arguments which are employed for the purpose of defence. The time has come, indeed, when men must know with what sort of arms they are contending. Every principle, in this age of free inquiry, will be probed to the very bottom; and if it will not abide the trial, it will be cast away. Sooner or later, it must come to this. We profess to be among those who believe, that the sooner this takes place, the better for the cause of truth, of the Scriptures, and the interests of true religion in the world.

If we have succeeded in showing that the Hebrew Pentateuch, as to all its essential parts, came from the hand of Moses, we have of course prepared the way to show the possibility, that

the Samaritan Pentateuch may be older than the time of the Babylonish exile.

We must limit ourselves to the leading topics of argument; which we shall aim to state simply, without particular reference to all that has been written in regard to this subject.

It is important, in order to prepare the mind for a proper view of this topic, to take a brief survey of the condition and circumstances of the ten tribes, from whom the Samaritans originated, or whom, we may perhaps more properly say, they succeeded.

In the year 975 before Christ, ten tribes, under Jeroboam, revolted from the dominion of Rehoboam, the son of Solomon, and erected a separate principality. This continued, with some intervals of anarchy and confusion, for the space of two hundred and fiftythree years; when the country was invaded by Shalmaneser, king of Assyria, and all the people of wealth, influence, and consideration, were deported to the provinces of Halah and Habor by the river Gozan, and to the cities of the Medes, 2 Kings xvii. 6. The succession of kings from Jeroboam downwards, may be exhibited to view in a short compass.

	A. C.		A. C.
Jeroboam	975	Jeroboam II.	825
Nadab	954	(Interregnum) . . .	784
Baasha	952	Zachariah	773
Elah	930	Shallum	773
Omri	929	Menahem	773
Ahab	918	Pekahiah	761
Ahaziah	897	Pekah	759
Joram	896	(Interregnum) . . .	740
Jehu	884	Hoshea	731
Jehoahaz	856	(Captivity)	722
Jehoash	840		

Most of these kings were more or less devoted to idolatry, or at least to *moscholatry*, that is, the worship of the golden calves set up by Jeroboam at Dan and Bethel, towns near the two extremities of his kingdom. This was, no doubt, like the worship that was practised in Egypt of the god Apis; for Jeroboam had lived in Egypt, previously to his becoming a king, 1 Kings xii. 2. It would seem, however, that the design of Jeroboam was rather to worship Jehovah, under the symbol of the calves, than absolutely to proscribe all the religious worship due to him. It was Ahab, who first introduced the worship of foreign idols in a manner fully heathen, 2 Kings xvi. 30—33. He persecuted

and destroyed the prophets of the true God, and oppressed and terrified all who worshipped him. This did many of the succeeding kings, in a greater or less degree; but none, with the zeal and bitterness of Ahab, who was instigated by a heathenish wife, both bigoted and bloodthirsty. But during the reign of all the Israelitish kings, there were more or less true prophets and worshippers of the true God among the ten tribes. This is a very interesting fact; and it has a bearing so important on the subject of the present discussion, that some delay is proper, in order to establish it.

In the time of Jeroboam, the first king of Israel, we find the prophet Ahijah exercising his office among the ten tribes. Under Nadab, Jehu the son of Hanani was prophet; under Ahab, Elijah and Micaiah the son of Imlah; under Ahaziah, Elijah, Elisha, and Micaiah; under Joram, Elisha; under Jehu, Elisha and another prophet sent by him to anoint Jehu. In the time of Elijah and Elisha, there was a school of the prophets also at Bethel, 2 Kings ii. 3. Jehoahaz king of Israel sought the Lord, in the time of Elisha, and was promised victory over the Syrians his enemies; as did also Joash, his successor. Jeroboam the Second not only obtained a victory over the Syrians, according to the prediction of Josiah the son of Amittai, but extended his conquests so as to recover the dominions that had been lost, under Jehu and Jehoahaz. Under the reign of Jeroboam the second, Hosea and Amos, prophets whose works are a part of our Scripture canon, lived among the ten tribes, and prophesied concerning them. During the short and interrupted reigns which followed, there may have been, and probably were, prophets of the Lord among the ten tribes, although we have no express account of them. It is plainly intimated, however, in 2 Kings xvii. 13, that God did not cease to warn Israel, as well as Judah, by prophets and seers, down to the time of their captivity.

On the supposition now that the law of Moses was already in existence (as we have seen it probably was), during all the period in which the ten tribes had a separate national standing, and that so many true prophets lived among them, and were commissioned to instruct and reprove them; can it be rationally supposed, that these prophets had no copy of the Pentateuch, no standard to which they made the appeal in all cases of command and reproof? Were Elijah, and Elisha, and Hosea, and Amos, unacquainted with the law of Moses? Read the

works of the two latter prophets, and see if the appeal to the Pentateuch is not too often made, for any one reasonably to doubt of its existence, and of their acquaintance with it, in its present form.

But this is not all. The people among the ten tribes were never all of them devoted to idol worship. In the time of Asa king of Judah, about nine hundred and fortyone years before Christ, a great reformation was effected, and the worship of God renewed with zeal, among the tribes of Judah and Benjamin. With the devout worshippers from these tribes, great numbers out of Ephraim, and Manasseh, and Simeon, that is, out of the ten tribes, were associated, 2 Chronicles xiv. 8, seq. Under Ahab, the most zealous and oppressive of all the idolatrous kings of Israel, when even Elijah the prophet thought that he alone was left, of all the nation, who worshipped the true God, the divine response informed him that seven thousand remained in Israel, who had not bowed the knee to Baal, 1 Kings xix. 10, 18.

Hezekiah king of Judah wrote letters of invitation to Ephraim and Manasseh, to come and keep the passover with him and his people, 2 Chronicles xxx. 1; and although most of the people among these tribes derided the proposal, yet not a few of them accepted the invitation, 2 Chronicles xxx. 11. Josiah carried reform still further; for he went through the land of Israel, and destroyed all their idols and altars, 2 Chronicles xxxiv. 6, seq. That he did this with the approbation of very many among the ten tribes, may be inferred from the fact, that no war appears to have taken place in consequence of this proceeding.

Such are the numerous and unquestionable evidences, that the worship of the true God was kept up, in some form more or less perfect, among the ten tribes, during the whole of their existence as a separate nation. Now could this have been done without some rule; some uniform basis or support; some paramount authority to which the prophets all made an appeal, in order to enforce their reproofs, and sanction their precepts? To say the least, such would be a case extremely rare of occurrence; indeed, a case altogether improbable.

The ten tribes, then, were in possession of the law of Moses. Such is the conclusion to which facts like these necessarily bring us.

Besides, how happens it that the Samaritans, descended from them, have never possessed or acknowledged any other

of the Old Testament Scriptures, except the Pentateuch? Must it not have been for the reason, that when they received the Pentateuch, it was then the only part of the Hebrew Scriptures which was in common circulation among the Jews? If so, then they must have very early been in possession of it; for the writings of David and Solomon were already in existence, and if the ten tribes came in possession of the Pentateuch after these writings began to circulate, why did they not receive these Scriptures as well as the other?

Gesenius has adverted to this argument, in the work before us, page 4. His reply is, that the writings of David, Solomon, and the prophets who succeeded them, everywhere acknowledge Jerusalem and the temple there, as the seat and only proper place of sacred solemnities. This the ten tribes, of course, would not acknowledge; and therefore they rejected all the books, that is, the works of David, Solomon &c. which contained such acknowledgments.

But even if this be allowed, the reply is insufficient. The books of Joshua and Judges contain nothing of any such references to the preeminence of Jerusalem, and of the worship established there; nothing of the preeminence of the tribe of Judah; in short, nothing which would interfere with the peculiar views of the ten tribes about the place of worship. Now as these books, for substance, are confessedly of early composition, why should the Pentateuch be received among the ten tribes, or the Samaritans, and these be rejected, unless the reception of the Pentateuch among them took place at a time which preceded the circulation of the books in question among the Hebrews in general? The reason alleged by Gesenius proves too much; for if it be valid, then we might confidently expect to find the books of Joshua and Judges included in the canon of the Samaritans. The reason for rejecting particular books from the canon, which he assigns, does not apply to the books in question.

Besides, there is somewhat of ὕστερον πρότερον in the argument which the learned critic adduces. Where does he find, in the history of the ten tribes, any dispute about the place of worship? Surely it cannot be forgotten, that the question about mount Gerizim arose years after the return from the Babylonish exile. Jeroboam, indeed, established the worship of the golden calves at Dan and Bethel, the two extremities of his kingdom; but where does it appear, that the ten tribes attached any pe-

culiar notions of value to these places, so that Jerusalem and Zion would have excited particular jealousy in their minds? The jealousies between the ten tribes and the two tribes, were of a civil and political, rather than of a religious cast. Who does not know that Judah and Benjamin, with their kings, fell into idolatry almost as often as the Israelites? Solomon began it, near the close of his life, 1 Kings xi. 7, seq. Rehoboam his successor followed his example, 2 Chronicles xii. 1, 14; as did Jehoram, 2 Chronicles xxi. 6; Ahaziah, 2 Chronicles xxii. 3; Ahaz, 2 Chronicles xxviii. 6; Manasseh, 2 Chronicles xxxiii. 2; Jehoiakim, 2 Chronicles xxxvi. 5; Jehoiachin, 2 Chronicles xxxvi. 9; and Zedekiah, 2 Chronicles xxxvi. 12. It was not, then, because the ten tribes were wholly devoted to idol worship (we have already seen this was not the case) and Judah wholly devoted to the worship of the true God, that enmity existed between them. They often harmonized in their objects of worship. The early enmity between these rival kingdoms, was plainly of a *civil*, not of a religious nature; a circumstance that seems to have been almost wholly overlooked, as yet, among critics who have assailed, or who have defended, the antiquity of the Samaritan Pentateuch. If we are correct, religious sympathies among the ten tribes are not to be adduced as an argument on which reliance can be placed, either in respect to the reception or rejection of any part of the Hebrew Scriptures. Two of their prophets, Hosea and Amos, are among the number of our canonical writers. Yet the Samaritans do not acknowledge them, and the Jews do acknowledge them. This only serves to show how much farther the argument, drawn from the religious sympathies of these two parties in very ancient times, has been carried, than can be justified by the facts which are before us. It was the occurrence that took place after the return of the Jews from their exile, and which is related in Ezra iv, that first gave rise to high religious antipathy between the Jews and the Samaritans; which was, however, exceedingly aggravated, when the Samaritans erected a rival temple on mount Gerizim, and claimed that place as the proper scriptural one, for the celebration of their religious solemnities.

Gesenius asks, How could Jeroboam possibly venture on idol worship at Dan and Bethel, and how could he have dared to dispossess the Levites of their rights, in case the Pentateuch had been in the hands of his people, which so plainly and di-

rectly forbids all this? But this proves too much also. Let us put it to the test. How could the Jews, during the very process of legislation at mount Sinai, and after the ten commandments had been published, make the golden calf and worship it? How could Solomon, and Ahaz, and Manasseh, and other Jewish kings, practise idol worship, when the same commands were extant among them in writing, as Gesenius himself would allow? So plain is it, that we never can argue from the practice of a corrupt and wicked people, to prove the nonexistence of a law among them forbidding their evil deeds. Might we not now prove, by the same process of argument, that the gospel does not at all exist in Christian lands?

The Pentateuch then may have existed, and it is altogether probable, in our view, that it did exist in writing, among the ten tribes. Let us follow its history down among the Samaritans.

After the deportation of the principal men among the ten tribes into a foreign land, by Shalmaneser king of Assyria, 2 Kings xvii, many heathen from the provinces of the Assyrian empire were sent, in their room, into the land of Israel, 2 Kings xvii. 24. These served not Jehovah; and he visited them with the ravages of lions. Terrified by this, they applied to the king of Assyria for counsel; who sent them a priest (one that had been carried away as a captive from Samaria) to 'teach them how they should fear Jehovah,' 2 Kings xvii. 28. At the same time they, still continued their idol worship; merely counting Jehovah as one of the gods to whom they paid their devotions, 2 Kings xvii. 32, seq.

It was at this period, that the name of *Samaritans* appears to have been given to this mixed people, composed of heathen and the lower classes of the ten tribes not carried away by Shalmaneser. This name first occurs in 2 Kings xvii. 29, and is derived from Samaria, the customary place of royal residence for the Israelitish kings. Omri, the father of Ahab, first built the city of Samaria, on a parcel of ground which he purchased of Shemer (שֶׁמֶר), and surnamed it after the original owner, שֹׁמְרוֹן *Shomerōn*, that is, Samaria.

We hear nothing more of the Samaritans, for one hundred and eightyseven years after this, when the Jews, returned from their exile, began to rebuild their temple. On this occasion, the Samaritans offered to assist them, alleging that they sought God in the same manner as the Jews, and were accustomed to sacrifice to him, from the time that the king of Assyria had

brought them into the land. The Jews, however, rejected their proposal, Ezra iv. 3, 4. Embittered by this, the Samaritans sought in various ways to hinder the building of the temple; and did, in fact, for a long time, delay the completion of it.

In the time of Nehemiah, about four hundred and eight years before Christ, Manasseh, a son of the high priest Jojada at Jerusalem, married a daughter of Sanballat the governor of Samaria, and was, on this account, exiled by his brother Jaddus, who was high priest at the time of this occurrence. Manasseh went over to his father in law, carrying along with him a party of Jews, who had married foreign wives, and had thus become obnoxious among their countrymen at home. Sanballat took advantage of this occurrence, and built a temple for his son in law, on mount Gerizim; which became an object of jealousy and bitter hatred, on the part of the Jews. About two hundred years afterwards, this temple was destroyed by John Hyrcanus, Josephus' Antiquities, xiii. 18. The place, however, remained sacred in the view of the Samaritans, even down to the time of our Saviour, John iv. 19, seq.

The Samaritans are frequently mentioned in the works of the Christian Fathers; but we know little of the particulars of their history, since they ceased to be a nation. As a religious sect, they exist to the present hour, and Sichem is, and has always been, their central point. There they have preserved a copy of the Mosaic law; and also a supposititious book of Joshua, so mutilated as scarcely to bear a perceptible relation to the true one.

From this brief view of the Samaritans, it appears highly probable that they have ever continued to possess copies of the Pentateuch, even from the time of Jeroboam; and that it is not without some good reason that critics, such as Eichhorn and others, have argued for the great antiquity of the Hebrew Pentateuch, from the antiquity of the Samaritan copy of it.

We have dwelt so long on the question respecting the antiquity of the Hebrew and Samaritan Pentateuch, because it is a very important one in regard to the literature of our sacred books; not to say almost an essential one, in respect to the authenticity of the five books of Moses. It is a question, too, which has deeply agitated critics on the continent of Europe, and which has been contested with great ability and learning, and not a little excitement of feeling. Hobbes, in his Leviathan, was the first in modern times, we believe, who ventured to assail the genuineness of the Pentateuch,

maintaining that these books are called *the Books of Moses,* because they have respect to him, and not because he was the author of them. After him, Peyrerius, Spinoza, Simon, Le Clerc in early life, Hasse, Fulda, Nachtigal, Bertholdt, and Volney, in various ways, called in question or denied the genuineness of the Pentateuch. But the most potent adversaries who have contended against it, are De Wette, Vater, and Gesenius, all still living. The two former have gone into the subject at great length, (De Wette in his *Beiträge* &c, and Vater in his Commentary on the Pentateuch), and collected together everything of importance that has been urged on this subject, and presented it in its strongest light. Vater has, on the whole, treated the subject with more discrimination and fulness, than any of the numerous opponents, who have in recent times risen up against the genuineness of the Pentateuch.

On the other hand, critics (liberal and orthodox, so called) have united their efforts in defence of its genuineness. Michaelis, Jahn, Steudlin, Eichhorn, Eckermann, Kelle, Rosenmueller, and others, have repelled the attacks which have been made. In particular, the last efforts of Jahn, to which a reference has already been made, have produced, we believe, a kind of cessation of hostilities, and an apparent doubt in the minds of assailants, whether the attack is to be renewed.

We have some other considerations, of a nature deeply interesting to sacred criticism, with respect to the Samaritan Pentateuch, which we cannot persuade ourselves to pass over in silence. All who are conversant with the Septuagint version of the Pentateuch, must know, that although, considered in a general point of view, it is a good version of the Hebrew, yet in very many cases it departs from the exactness of the original text. In regard to these departures, there is one circumstance of a very interesting nature; which is, that in more than a thousand cases of them, the Septuagint and the Samaritan Pentateuch are harmonious, both differing from the Hebrew, and agreeing in their differences. In most of these cases, the discrepancies with the original Hebrew are peculiar to the Samaritan and Septuagint codices alone, the ancient versions being only now and then accordant with them. The departures from the Hebrew, in the Septuagint and Samaritan, are thus classified by Gesenius, in the work which we are reviewing.

1. Those which are mere glosses or conjectural emendations of difficult passages. For example, Genesis ii. 2, 24. xiv. 19. xv. 21. xvii. 14 &c.

2. Very minute changes, not affecting the sense, and depending on the omission, transposition, or permutation of letters, &c. For example, *Vav* prefix is added, in the Samaritan, to the text about two hundred times, where it is not found in the Hebrew copy, and removed about one hundred times, where it is found in the Hebrew; in nearly all of which cases, it is closely followed by the Septuagint.

On the other hand, 3. The Septuagint agrees with the Hebrew, in cases like No. 2, in almost a thousand instances, where the Samaritan differs from both. For example, Genesis xvii. 17. xxi. 2, 4. xxiv. 55. xli. 32 &c. 4. Both the Samaritan and Septuagint sometimes depart from the Hebrew, in labouring to remove difficulties; but they pursue different courses, in order to accomplish this. For example, Genesis xxvii. 40. Exodus xxiv. 10, 11, and the genealogies in Genesis v. and xi. 5. The Septuagint accords with the Hebrew, and differs from the Samaritan, in all those daring interpolations, mentioned under the eighth class of various readings, in the former part of this review. 6. The Septuagint differs from the Hebrew and Samaritan both, in a few cases of minor importance, depending on transposition and permutation of letters, &c. or the introduction of parallel passages.

Castell has displayed all these discrepancies, in the sixth volume of Walton's Poylyglott, page 19, seq. In regard to most of the cases, in which the Septuagint and Samaritan agree when they differ from the Hebrew, it is perfectly plain that this could not have been the result of any concerted regular plan of alteration, such as we see in the Samaritan and Septuagint, in respect to the chronologies in Genesis v. and xi. Most of the discrepancies in question are entirely of an immaterial nature, not at all affecting the sentiment of the sacred text.

Such are the *facts*. But a more difficult question remains. How are these facts to be accounted for? A question that leads to some considerations, which, to hinder any one from taking alarm, demand a good degree of acquaintance with the business of criticism.

Three ways have been proposed, to account for such a surprising accordance of the Septuagint and Samaritan, in so great a number of cases, against the Hebrew.

1. *The Seventy translated from a Samaritan Codex.* So L. de Dieu, Selden, Hottinger, Hassencamp, Eichhorn, and others. But this is altogether improbable. The mortal hatred,

which existed between the Jews and Samaritans in Palestine, at the time when the version of the Seventy was made, extended in the same manner to the Jews and Samaritans in Egypt. Josephus tells us, that in the time of the Ptolemies (therefore at or near the time when the Septuagint version was made), the Jews and Samaritans disputed violently before the Egyptian king; and that the Samaritans, who were worsted in the dispute, were condemned to death, Antiquities, xiii. 6. But Hassencamp and others labor to show, that many of the departures in the Septuagint from the Hebrew text, can more easily be accounted for, by the supposition that they used a manuscript written in the Samaritan character; inasmuch as the similar letters in this character might easily lead them into the mistakes which they have made in their versions, while the Hebrew square character, which has different similar letters, would not thus mislead them. It is unnecessary now to relate what former critics have replied, in answer to these and all such arguments depending on the forms of Hebrew letters. Since Hassencamp and Eichhorn defended the above position, and since Gesenius replied to them, in the essay before us, Kopp has published his *Bilder und Schriften der Vorzeit*, which contains an essay on Shemitish palæography, that bids fair to end all disputes about the ancient forms of Hebrew letters. Instead of tracing back the square character to Ezra, and to Chaldea, as nearly all the writers before him, not excepting Gesenius himself, had done, he has shown by matter of fact, by appeal to actually existing monuments, that the square character had no existence until many years, probably two or three centuries, after the Christian era commenced; and that it was, like the altered forms in most other alphabets, a gradual work of time, of calligraphy, or tachygraphy. He has exhibited the gradual formation of it, from the earliest monuments found on the bricks at Babylon, down through the Phœnician, the old Hebrew and Samaritan incriptions enstamped on the Maccabæan coins, and the older and more recent Palmyrene or Syriac characters, to the modern Hebrew. The reasoning employed by him, and the facts exhibited, are so convincing, that Gesenius himself, in the last edition of his Hebrew Grammar, has yielded the point, and concedes that the square character of the Hebrew is descended from the Palmyrene, that is, such characters as are found in the inscriptions upon some of the ruins at Palmyra.

All argument from this source, then, is fairly put out of ques-

tion, by the masterly performance of Kopp, to which we have just adverted.

As the Septuagint is well known, and universally acknowledged, to be a version made by Jews, for their own use at Alexandria, there cannot be even a remote probability, that this version was made from a copy in the hands of Samaritans, whom they abhorred as the perverters of the Jewish religion.

II. *The Septuagint has been interpolated from the Samaritan Codex; or the Samaritan from the Septuagint.*

Not the first; for the Jews certainly never loved the Samaritans sufficiently well, to alter their Greek Scriptures from the Samaritan codex, so as to make them at the same time discrepant from their Hebrew codex.

Not the second; for the Samaritans would have been as averse to amending their own codex from a Jewish Greek translation, as the Jews would have been to translate from the Samaritan codex. Besides, the greatest part of the discrepancies between the Samaritan and the Hebrew, are of such a nature as never could have proceeded from any design; inasmuch as they make no change at all in the sense of the passages where they are found. Although, then, critics of no less name than Grotius, Usher, and Ravius, have patronised this opinion, it is too improbable to meet with approbation.

III. Another supposition, in order to account for the agreement of the Septuagint and Samaritan, and their departures from the Hebrew text, has been made by Gesenius, in the essay before us. This is, *that both the Samaritan and Septuagint flowed from a common recension of the Hebrew Scriptures; one older of course than either, and differing in many places from the recension of the Masorites, now in common use.*

This is certainly a very ingenious supposition; and one which we cannot well avoid admitting as quite probable. It will account for the differences, and for the agreements, of the Septuagint and Samaritan. On the supposition that two different recensions had long been in circulation among the Jews, the one of which was substantially what the Samaritan now is, with the exception of a few more recent and designed alterations of the text, and the other substantially what our Masoretic codex now is; then the Seventy, using the former, would of course accord, in a multitude of cases, with the peculiar readings of it, as they have now done. If we suppose now, that the ancient copy from which the present Samaritan is descended, and that from which the Septua-

gint was translated, were of the same genus, so to speak, or of the same class, and yet were of different species under that genus, and had early been divided off, and subjected to alterations in transcribing; then we may have a plausible reason, why the Septuagint, agreeing with the Samaritan in so many places, should differ from it in so many others. Add to this, that the Samaritan and Septuagint each, in the course being of transcribed for several centuries, would receive more or less changes, that might increase the discrepancies between them.

This seems to be the only probable way, in which the actual state of the Samaritan and Septuagint texts, compared with each other, and with the Hebrew, can be critically accounted for. Admitting this, therefore, with Gesenius, to be a highly probable account of this matter, we should say further, that the admission of it requires a different view of the antiquity of the Samaritan codex, from that which he has taken. If the Pentateuch was first reduced to writing about the time of the Babylonish exile, then there remains not sufficient time for the numerous changes to have taken place, by which the various recensions in question should come to differ so much from each other. Gesenius fixes upon the time, when Manasseh the son of the high priest at Jerusalem went over to the Samaritans and built a temple on Gerizim, as the most probable date for the origin of the Samaritan Pentateuch. This time, he seems to admit, was during the life of Darius Codomannus (as Josephus states, Antiq. xi. 7, § 2, 3, 4, 6), and of Alexander the Great, that is, near three hundred and thirty years before Christ. Now the version of the Septuagint was made about two hundred and eighty years before Christ, so that only half a century, according to him, elapsed between the two events in question; a time not sufficient to produce much change in manuscripts. Even if we go back to the beginning of the exile, as the time when the Hebrew codex of the Pentateuch first originated (about five hundred and eightyeight years before Christ,) we shall find it to be only two hundred and fiftyeight years from that period down to the time when the Samaritan copy, according to Gesenius, was probably made. If we suppose, with Prideaux and Jahn, that the apostasy of Manasseh took place a century earlier (a supposition, which Jahn has nearly demonstrated to be true, Archæol. Theil ii. § 63), then only one hundred and fifty years are left for all the changes in question to have taken place, by which the Samaritan codex is made so often to differ from the Hebrew. In any way of calculation, the origin of the

Pentateuch must be placed higher than Gesenius has placed it; for the history of manuscripts will not justify the supposition, that changes so numerous, and undesigned (as he admits most of them to be), could have taken place in so short a period; or that the various recensions of the Hebrew text could have differed so much, in so short a time, by the ordinary process of copying for circulation.

But we are aware, that we are now treading on sacred ground. If our suggestions are well founded, then must it follow, that in the time of Ezra, and previously to his time, there existed recensions of the Jewish Scriptures, which differed, in some respects, very considerably from each other. From this conclusion many will spontaneously revolt. All, who have not made sacred criticism a study, will be agitated with some unnecessary and ill grounded fears. For ourselves, we are fully convinced, first, that the position can be rendered highly probable; and next, that it is no more dangerous than many other positions, which all enlightened critics of the present day admit.

It is probable; because, as we have already endeavored to show, the actual state of the Septuagint and Samaritan Codices renders it necessary to admit the position. Moreover, the Jews have, from the most ancient times, uniformly held a tradition, that Ezra with his associates, whom they style the great Synagogue, restored the law and the prophets, that is, renewed and corrected the copies of them, which had become erroneous during the captivity. Certainly there is nothing at all improbable in this tradition. The corrected copies were the originals, probably, of our present Masoretic recension, which has in every age been in the keeping and under the inspection of the most learned Jews. The Samaritan copy, and that from which the Septuagint was translated, most probably belonged to the recension in common use among the Jews, and which, having been often copied and by unskilful hands, had come to differ in very many places from the corrected recension of Ezra.

How far back some of the errors in this common recension may be dated, it is difficult to say; but in all probability more or less of them must be traced even to the very first copies taken from the original autographs. Such we know to have been the case, as is now universally admitted, in respect to the early copies of the New Testament. Is the Old Testament under a more watchful and efficient Providence than the New? Or has it ever been so? Nothing but the belief of a miraculous aid,

imparted to every copyist of the Hebrew Scriptures, can stand in the way of admitting the fact as we have stated it; and with such a belief, after several hundred thousand different readings have been actually selected from the manuscripts of the Old Testament, it would not be worth our while to expostulate.

In justice, however, to this subject, and to allay the fears of well meaning men, who are not experienced in matters of criticism, and therefore often exposed to be agitated with groundless fears, we must say a few words with respect to the dangers of the position that has been now discussed.

A great part of it is evidently imaginary. For out of some eight hundred thousand various readings, about seven hundred and ninetynine thousand are of just about as much importance to the sense of the Hebrew Scriptures, as the question in English orthography is, whether the word *honour* shall be spelled with *u* or without it. Of the remainder, some change the sense of particular passages or expressions; or omit particular words and phrases; or insert them; but not one doctrine of religion is changed; not one precept is taken away; not one important fact is altered, by the whole of the various readings collectively taken. This is clearly the case, in respect to the various readings which are found in the Samaritan and Septuagint, if we except the very few cases of alterations in them, which plainly are the result of design, and which belong to more modern times. There is no ground then to fear for the safety of the Scriptures, on account of any legitimate criticism to which the text may be subjected. The common law has a maxim, which is the result of common sense, and must ever be approved by it; which is, *De minimis non curat lex.* Another maxim too it has, equally applicable to the subject before us, namely, *Qui hæret in literâ, hæret in cortice.* All those, who suppose that the Scripture depends on a word or a letter, so essentially that it is not Scripture if either be changed or omitted, must, if they will be consistent, abandon the whole Bible, in which many changes of this kind, it is past all question, have actually taken place. The critic wonders not that so many have taken place, but that no more have been experienced.

It is sometimes said, that 'he who knows nothing, fears nothing.' We believe this is occasionally true. But we apprehend the proverb would have come much nearer to a true statement of what usually happens, if it had been thus; 'he who knows nothing, fears every thing.' In innumerable cases do we see

this verified. It is quite applicable to the subject of various readings in the Scriptures. The first attempt to compare manuscripts and collect these readings, was denounced as something horribly profane and dangerous. Yet the comparison went on. Next, it was admitted to be right in respect to the New Testament, but very wrong in regard to the Old; every word, and letter, and vowel point, and accent of which, Buxtorf roundly asserted, are identically the same, all the world over. More than eight hundred thousand various readings actually collected have dissipated this illusion, and taught how groundless the fears of those were, who were altogether inexperienced in the criticism of the sacred text. Do Christians love and honor the Bible or its contents less now, than before the age of criticism? Let the present attitude of the Christian world answer this question.

Jerome, long ago, had shrewdness enough to say, that 'the scripture was not the shell, but the nut;' by which he meant, that the *sentiment* of the Bible is the word of God, while the costume, that is, the words in which this sentiment is conveyed, was of minor importance.

So the apostles and so the Savior thought, for they have, in a multitude of cases (indeed, in almost all the appeals recorded in the New Testament), appealed to the authority of the Old Testament, by quoting the Septuagint version of it; a version incomparably more incorrect, and differing from the original Hebrew in innumerably more places, than the very worst version made in any modern times. But, *de minimis non curat lex;* a truly noble maxim; yet one which superstition or ignorance knows not well how either to use or to estimate.

There is, then, no more danger, in supposing that very early there were different recensions of the Hebrew Scriptures, than in supposing, that there are different ones of the Scriptures of the New Testament, which all now admit; for it is not a matter of opinion and judgment, but of *fact*. The Bible, spreading through the whole earth, and becoming the rule of life and salvation to all nations, is, at least, as important now, as it was when only one small nation admitted its claims. It is surely no more an objection, then, against the watchful care of Providence over the church and the records of its holy religion, to admit that divers recensions of the Scriptures existed at an early age, than to admit that they now exist.

Thus much for the danger of the principle, which we have

admitted. We will now add, that if those who cherish any apprehensions of the kind which we have endeavored to remove, will faithfully examine the Hebrew Scriptures as they now stand, they will find discrepancies in the recensions of the same compositions, which stand inserted in different places of the sacred records. Let them compare, for example, 2 Samuel xxii, and Psalm xviii; Psalm xiv, and Psalm liii; Psalm cv, and 1 Chronicles xvi. 7, seq. If this do not satisfy them, we will point them to some more appalling comparisons, which they may make by reading Ezra ii, in connexion with Nehemiah vii. 6, seq. It were very easy to extend the same kind of comparisons to a multitude of places in the books of Kings and Chronicles, where the result would be the same. Those who have examined such matters, never can doubt how they stand; it is only those who have *not* examined them, that pronounce a judgment which has its foundation only in their own theological views, or depends on reasoning *à priori*. Facts cannot be denied; nor can facts be theorized away.

In the end, which is the safer way, in respect to the interests of truth and religion; to assume positions on mere doctrinal grounds, and established only by reasoning *à priori*, which will be overthrown by the careful examination of facts; or to examine facts first, and then to make out positions that are not liable to be overthrown? The first method may wear the appearance of zeal and deep concern for the honor of the Bible; but zeal without knowledge is not very auspicious to the best interests of the truth. The fact is, too, that in many cases of such zeal, it amounts to very little more than a cloak to cover ignorance of a matter, which men have not studied, and which it gives them pain to see that others have. How prone men are to regard that as worthless, which they do not possess, or to decry it, and make it obnoxious, need not be proved, after all the facts which lie before the world relative to such matters.

For our part, we believe that truth needs no concealment; and that, at the present day, it admits none. The Bible has nothing to fear from examination. It has ever been illustrated and confirmed by it. We doubt not it will be still more so. But all pious fraud, all 'expurgatory indexes,' all suppression of facts and truths of any kind, only prove injurious, at last, to the cause, which they are designed to aid. This is a sufficient reason for abjuring them forever; not to insist on the disingenuousness, which is implied in every artifice of this nature.

The fact, that various readings are found, not only in different classes of manuscripts, which have come down to us through different channels, but in cases where the same original documents are inserted in different places of the same class of manuscripts, is proved beyond contradiction. The first, by the actual comparison of manuscripts; the second, by a comparison of such parts of Scriptures as we have last alluded to above. Such a comparison may be extended very much farther, indeed to a great portion of the books of Chronicles, by reading them in connexion with the parallel passages in the books of Kings, and other parts of the Old Testament. Jahn's Hebrew Bible is not only the best, but the only work, which will enable one to do this without any trouble, as he has disposed of the whole books of the Chronicles in the way of harmony with other parts of Scripture. One thorough perusal and study of this, will effectually cure any sober man of all extravagant positions and theories about the letters and apexes of the Bible, and probably of all extravagant notions about *verbal* inspiration. Those who have never examined, are the only persons to be confident in such *minima* as these; those who have, pass by them in silence.

But we are diverging from our way, and hasten to return. We have only one topic more, respecting the Samaritan Pentateuch, which remains briefly to be touched.

It will be understood, of course, by every scholar who knows anything of the Samaritan Pentateuch, that it is not in the Samaritan dialect, but in the proper Hebrew tongue, like the Pentateuch in our Hebrew bibles, except that it is written in the old Hebrew character, which the Samaritans have always retained, with only slight variations. Of this document, and this only, have we hitherto spoken, whenever the Samaritan Pentateuch has been named. But we come now to state, that there is a translation of the Hebrew Samaritan Pentateuch into the proper Samaritan dialect, which is a medium between the Hebrew and the Aramæan languages. This version is very ancient; having been made at least before the time of Origen, and not improbably near the commencement of the Christian era. It is very literal, and close to the original; and what is very remarkable, is almost exactly the counterpart of the original Hebrew Samaritan codex, as it now exists, with all its various readings. This shows, in a degree really surprising, how very carefully and accurately the Hebrew Pentateuch has been copied and preserved by the Samaritans, from the ancient times in which their

version was made. This is its greatest value to us; although it is of importance as one of the best means of becoming acquainted with the Samaritan dialect, which has so few remains, and has been so long extinct as a spoken language.

Besides this version of so ancient a date, there is also a version made by Abusaid, in the eleventh or twelfth century, into the Samaritan Arabic dialect, that is, the Arabic as spoken by the Samaritans. The translator appears to have been a man of talents; and he has often hit, in a very happy manner, upon the best way of expressing the real sentiment of the original text, in difficult passages.

There are also a few scattered remains of an ancient Greek version, made from the Samaritan Pentateuch, some of which have been collected together by Morin, Hottinger, and Montfaucon; but they are too scanty to be of much critical value.

It is easy to perceive, from what has already been said respecting the important Scriptural documents extant among the Samaritans, that their language and history ought to be a matter of deep interest among biblical and oriental critics. It has in fact been occasionally so, at different periods, since the Samaritan Pentateuch was first brought to Europe. Among the older critics, Hottinger, Morin, Cellarius, Reland, Basnage, Castell, and Mill, distinguished themselves by cultivating an acquaintance with these subjects; and they have left behind them various monuments of their progress in the knowledge of them. Among the more recent critics, Schnurrer, Bruns, De Sacy, Winer, and Gesenius, stand most distinguished for this sort of knowledge. The last, in a particular manner, has carried his researches far beyond any of his predecessors. In the year 1820, this celebrated critic made a visit to England, and examined the Samaritan manuscripts deposited in the library at Oxford. Castell, long ago, in his Heptaglott Lexicon, had mentioned some Samaritan documents, which have often been referred to by the name of *Liturgia Damascena*, from which he gave some extracts, in his *Annotationes Samariticæ*. These documents lay in the obscurity in which Castell left them, until Gesenius, on examining them, found them to be *hymns* of a religious nature. A minute examination enabled him to discover, that they were composed in an *alphabetical* way; and this led to an arrangement of their several parts, which were before in a confused, chaotic state. From this discovery proceeded the second and third publications, which are named at the head of this article.

The first of these two is a discourse delivered, as the title indicates, during the solemnities of Christmas, before the university at Halle. It consists of a brief account of the state and sources of Samaritan literature, and an exposition of the theological opinions of the Samaritans, as deduced from the hymns in question. It appears that they are strenuous monotheists; that they have high ideas of the pure and spiritual nature of God; that they believe the world was created from nothing; that angels are emanations from the divinity; that the Mosaic law is of immediate divine origin; that the institution of the sabbath and of circumcision is of high and holy obligation; and finally, that the pious, after the rest of the grave, will be raised to a happy and glorious immortality. Nothing certain appears in the hymns, respecting the Messiah. Their views in former times with regard to him, are sufficiently plain, from what is said in John iv. respecting this subject. Their recent views are disclosed, by their correspondence with some of the literati of Europe. They expect a Messiah, who will restore the Mosaic worship, and with it their temple on mount Gerizim. He is also to make their nation very happy; and then to die and be buried with Joseph, that is, among the tribe of Ephraim. But when this will take place, they do not undertake to determine.

The *Anecdota Orientalia* (No. 3.) exhibits a number of the hymns above described, in the original Samaritan, accompanied by an Arabic version. This was doubtless made after the Samaritan had begun to be disused, and the Arabic to prevail. To these Gesenius has added a Latin version of his own, with copious notes that are filled with illustrations drawn from oriental sources, and from comparison with biblical and other writers. To the whole is appended a short glossary, comprising those Samaritan words not to be found in any of the usual Lexicons. A plate, at the close, exhibits the forms of the Samaritan letters, in different documents.

This is truly a most welcome present to the lovers and cultivators of oriental literature. A new source is now opened, which enables us further to pursue the study of the dialects kindred with the Hebrew; and easy means are furnished for doing it. Such are the triumphs which unremitted industry and persevering ardor achieve; while the timid and the indolent are yawning over what their fathers wrote, in their easy chairs by a comfortable fireside, unconcerned whether the Samaritans

and their language are brought out and exposed to light, or remain covered with darkness.

There is nothing in the Samaritan hymns, which absolutely determines their age. The probability is, that they were composed as early as the eighth or ninth century.

We give an extract from Gesenius' Latin translation of the first hymn, that our readers may see the kind of composition and sentiment which these Samaritan relics exhibit.

Non est Deus nisi unus.
Creator mundi,
Quis estimabit magnitudinem tuam?
Fecisti eum magnifice,
Intra sex dies.

In lege tuâ magna et vera
Legimus sapimusque.
In quovis illorum dierum
Magnificâsti creaturas.

Magnificatæ sapientiâ tuâ
Nunciant excellentiam tuam,
Revelantque divinum tuum imperium
Non esse, nisi ad magnificandum te.

Creâsti sine defatigatione
Opera tua excelsa;
Adduxisti ea e nihil
Intra sex dies.

Creâsti ea perfecta,
Non est in unico eorum defectus,
Conspiciendam præbuisti perfectionem eorum,
Quia tu es dominus perfectionis.

Et quievisti citra defatigationem
Die septimo,
Et fecisti eum coronam
Sex diebus.

Vocâsti eum sanctum
Eumque fecisti caput
Tempus omni conventui [sacro],
Principem omnis sanctitatis.

Fecisti eum fœdus
Te inter et cultores tuos,
Docuisti custodiam ejus
Custodire custodientes eum.

Felices qui sabbatum celebrant,
Quique digni sunt benedictione ejus;
Umbra ejus sancta eos respirare facit,
Ab omni labore et defatigatione, &c.

The *Anecdota Orientalia* is very handsomely printed, on good paper, and with that almost unparalleled accuracy, which Gesenius generally exhibits, in all the works corrected by his own hand.

We are encouraged to hope that other oriental specimens of a similar nature will follow. The next number is to exhibit the *Book of Enoch*, in the Ethiopian language; which Gesenius believes to be the same book as that from which Jude, in his epistle, and all the early Christian Fathers, quoted. Whether this be the fact or not, we shall welcome the publication of the book; or of any other book, from which the language, the sentiment, or the literature of the Scriptures, can receive illustration.

Art. III.—*Poem delivered before the Connecticut Alpha of the Phi Beta Kappa Society, September* 13, 1825. By James G. Percival. 8vo. pp. 40. Boston. Richardson and Lord.

It is a rare thing for a poet of Mr Percival's genius and reputation to appear at the anniversary of one of our literary associations. It is equally rare to adopt blank verse in a poem designed for recitation, and to extend it to the length of eleven hundred lines. Genius and fame stand an unequal match against these unfavorable circumstances. Few hearers could listen without fatigue to any composition of so great length. Still less when there must be the constant struggle, ever disappointed and ever renewed, to trace the structure of the verse.

But however ill adapted it may be for recitation, no such disadvantages attend it as offered from the press. We receive it as a poem to be read, and we read it without regarding its fitness to be spoken. It comes to the public with that recommendation from the author's name, which ensures it a candid perusal. The character of the subject and the occasion render it an object of more than ordinary notice; while the reputation of its fertile author, and the peculiarities of his beautiful but wayward

pen, demand that it should receive an impartial examination from those, who are solicitous about the popular poetry of our country.

The first thing which strikes us on reading this poem is, that the author has entered on too wide a field. He sets out upon the vast and boundless theme of 'Mind and its mysterious energies;' and in attempting at the commencement to state his purpose and point out his track, he plainly discovers that he has not surveyed it definitely with his own eyes, and really has no very distinct object in view. He seems to lay before us a plan; but as we look at it, we find that 'shadows, clouds, and darkness rest upon it.' This want of a definite purpose embarrasses the performance. The reader would suppose the object of the writer to be a description of that imaginative power of the mind, which is exercised in the creations of the fine arts, painting, sculpture, and especially poetry, and which conjures up scenes and forms of sublimity and beauty in reverie and sleep. This indicates, however, very inaccurately the course of the argument, and by no means serves as a guide through it. The poet himself is the first to lose his way.

The first part is philosophy, the second is example. The philosophy we are not sure that we understand, and what we do understand we do not always agree to. It is however very poetical, if not very true; and we will endeavor, to the best of our abilities, to give a prose interpretation for the benefit of our readers.

There are, says our author (beginning with one of the dogmas of the old philosophers), diffused through nature, certain Forms, unchangeable and everlasting, by which the mind is forever controlled and swayed; that is, if we rightly conceive the meaning, there are certain eternal principles of taste, to which the mind necessarily assents, to which it has in all ages owned allegiance, and to which 'the passions and desires have bent, as unto their lodestar.' Nothing can please, which is not conformable to these eternal principles.

> 'The nicest work
> Of Art, without the impress of these forms,
> Can fix no wandering glance—no linked sounds
> Of most elaborate music, if they flow not,
> With ready lapse, from this perpetual fount
> Of all blest harmony, can soothe his ear
> Even to a moment's listening.'

These Forms, he teaches us, are identical with Truth; except, indeed, that while Truth requires for its discovery laborious research and study, these gain assent spontaneously and at once; they are perceived and acknowledged by a sort of intuition, 'tis but to look, and all is felt and known;' or, as it is again expressed, more ambitiously, but with less propriety,

> 'these, which are
> Lords of the Heart, as she is of the Mind
> In its pure reason—these at once approach,
> And with their outstretched pennons overshadow
> The willing soul.'

We are by no means convinced, that there is this instantaneous consent to the true principles of taste. This distinction between them and other truth is in our view fanciful and baseless; and if it were of any consequence to the rest of the poem, that the question should be settled, it might easily be shown, that the sublime and beautiful, both in nature and art, require time and cultivation in order to their being duly appreciated, no less than the truths of mathematical and metaphysical science. The rude peasant lives and dies without any sensibility to the grandeur of the evening sky, and the savage exhibits no emotion as he gazes on the falls of Niagara. It is the mind which has been prepared by education, that understands and feels their greatness. So it is in the finest works of art. The barbarous nations felt no admiration for the beautiful works of Rome; the Turks express none for those that lie in ruins at Athens, and the Cossacks would have looked with supreme indifference on the splendors of the Louvre. No one fully realizes the perfection of the Apollo Belvidere till he has studied it long, or has been accustomed to similar works. It is characteristic of the most perfect productions in poetry, that, instead of being fully admired at first, their excellencies open upon the mind gradually in repeated perusal, and some hidden beauties there are, which disclose themselves only to a long and familiar observation. Perhaps however the author means only, that the man of highest genius possesses this intuitive perception; which would be more nearly true and more to his purpose. If it be so, then there is truth as well as beauty in the following passage, in which he asserts that no exhibitions of art can fully reach the conceptions of genius.

'Much has been thrown
On living canvass—much been cast abroad
In words of loftiest import—much been framed
By plastic hands to shapes of awe and wonder;
But nothing ever bodied out the soul
In its most daring flight. The eagle soars not
Above the highest clouds; and when at sunset
The sky is full of fiery shapes, that lie
Filling the half of heaven, there are, that catch
The sun's last smile, too high for any wing
To fly to, but they are the loveliest
And brightest—so the visions of the soul
Are often higher than the boldest leap
Of Execution, who with vain attempt
Lags far behind the rapid lightning glance
Of quick Conception.'

And hence it has happened, he continues, that mighty bards have lived and enjoyed all the luxuries of poetical contemplation, and perchance framed nobler songs than have ever been sung,

'and yet never
Put forth one visible sign, to tell the world,
How much they felt and knew.'

For invention, whether in sculpture, poetry, or painting, does not lie in the actual specimens of art which are exhibited to the world; but in the secret operations of the mind, while it contemplates in its own chambers possible forms and existences, without perhaps 'knowing the names of those high arts,' by which they may be communicated to other men. And on the other hand, those, who have learned to express their conceptions in these visible representations, have created works, which, being conformed to the eternal forms of things, are still beautiful and admired, though obscured by the darkness of antiquity, and veiled in languages which for centuries have ceased to be spoken.

'Though a chosen few
Alone can read the ancient words, that seem
Like magic letters to the common eye;
Yet in the humble garb of common prose,
Or in the guise of more ambitious verse;
Bereft of all their sounding harmony,
Or hidden by a load of modern art,

Unseemly ornament and fitted ill
To the simplicity of heroic times;—
Yet even thro' all these shadowings, every eye,
That hath a natural sense, can see the brightness
And beauty, Time can never dim or fade.'

There are still, however, many, to whom these eternal laws of truth are unknown. Our poet proceeds, therefore, to draw a picture of the select few, who have retired from the vulgar herd to indulge the aspirations of their higher powers, in the solitudes of nature, and in communion with her forms. There is great beauty in the more than usual simplicity, with which these sentimental anchorites are described.

'They were alone
In their endeavor. None to cheer them nigh;
None to speak favorable words of praise.
They charmed their solitude with lofty verse,
And made their hours of exile bright with song.
They had no comforter, and asked for none;
No help, for none they needed. Loneliness
Was their best good; it left them to themselves,
Kept out all vain intrusion, and around them
Spread silently an atmosphere of thought,
A sabbath of devotion, such as never
Hallowed the twilight vaults of ancient minster,
Or filled with many prayers the hermit's cave.
It was the deep devotion of the mind
In all its powers, sending itself abroad
In search of every fair and blessed thing,
And with a winning charm enticing home
All to itself. They came at its command,
Trooping like summer clouds, when the wide air
Is thick with them, and every one is touched
By the full moon to a transparent brightness,
Like heaps of orient pearl. The kindled eye
Ran over them, as lightning sends its flash
Instant through all the billows of the storm,
And took the fairest, and at once they stood
In meet array, as if a temple rose,
Graced with the purest lines of Grecian art,
At the sweet touch of an Apollo's lyre.'

The train of thought in the succeeding passages is not easily traced, until we come to the difficulties, oppositions, wrongs, outrages, against which poets have always been condemned

to struggle, illustrated in the instances of Milton, Dante, Spenser, and Tasso. After this, the scene suddenly changes; and we find ourselves, we do not know how or why, out among the works of nature, surveying the sublime sky, and admiring the beautiful things of earth. The only purpose of this unexpected transmigration, as far as can be discovered, is to create a commodious introduction to a vision, which the poet had a few nights previous, when contemplating such a scene as he describes; which vision, however, though a natural way is thus forcibly opened for it, seems to have no actual relationship with the subject in hand, and can be admitted only on the ground, upon which Cicero claimed the citizenship for Archias, that good poetry has a claim everywhere. And truly we are willing to read verse like this, wherever we may find it. He speaks of poetry.

'Though it find much on earth
Suited to its high purpose, yet the sky
Is its peculiar home, and most of all,
When it is shadowed by a shifting veil
Of clouds, like to the curtain of a stage,
Beautiful in itself, and yet concealing
A more exalted beauty. Shapes of air,
Born of the woods and waters, but sublimed
Unto a loftier Being! Ye alone
Are in perpetual change. All other things
Seem to have times of rest, but ye are passing
With an unwearied flow to newer shapes
Grotesque and wild. Ye too have ever been
The Poet's treasure-house, where he has gathered
A store of metaphors, to deck withal
Gentle or mighty themes. I then may dare
To call ye from your dwellings, and compel ye
To stoop and listen. Who that ever looked
Delighted on the full magnificence
Of a stored Heaven, when all the painted lights
Of morning and of evening are abroad;
Or watched the moon dispensing to the wreaths,
That round her roll, tinctures of pearl and opal—
Who would not pardon me this invocation
To things like clouds?'

There are a great many things in the poem, which need an apology more than this invocation. It has a sadly prosaic effect to come down thus from a high flight.

His vision is of a bright and glorious mountain, on whose top is a throne, upon which sit three persons, who seem to personify three classes of the intellectual operations. 'This is the Seat of Intellect.' As he gazes upon this—which he does throughout nineteen breathless lines, till we are out of breath ourselves, and are extremely puzzled to know what it is like, it is like so many things, and they are like so many others—

> 'then as I gazed,
> A most majestic sea of rolling clouds
> Seemed to surround that throne, and it advanced,
> And gradually took form, and I beheld,
> Each on his shadowy car, spirits, who told,
> By their commanding attitudes, that they
> Were wont to rule.'

These spirits were those of distinguished poets, who were disposed in three spheres, according to the three characteristic departments of genius, or the eminence which they had obtained. The highest sphere was occupied by Homer, Milton, Shakspeare, and another poet, whom we should suppose a living one, from the description, were it allowable for him to appear among the spirits of the departed. But the names are not given, and there is such a want of distinctness in the description, that we are fairly put to our guesses, and may have guessed wrong. 'In the sphere beneath them there were many;' of whom he describes two, but here again with such indistinctness, that we are not quite positive that the first is Virgil; it may be some one else. We do not doubt that the second is Spenser. The lower sphere contained the bards of fierce and wild passion, 'such spirits as have made the world turn pale.' Among them are described certain shadowy forms, which we take to be those of Æschylus, Byron, and Dante. The first is characterized in a strong expression.

> 'He found his pleasure
> In planting daggers in the naked heart,
> And one by one drawing them out again,
> To count the beaded drops, and slowly tell
> Each agonizing throb.'

These spectres having past in review before the dreamer, Dante rises from his seat, and invites him, if so inclined, to join the labors and honors of this high fraternity, encouraging him

thereto by a dark picture of the ills he must endure, and the scorn he must encounter, especially in America. What he thought of the old Italian's communications, Mr Percival does not tell us; for here his poem abruptly closes, without even informing us, as is usual in such cases, whether he has ever awaked from his dream. We hope that he has not; for we should be sorry to impute to him in his waking hours, the sentiments which he has put into the mouth of Dante. They might be suited to the times in which that bard flourished, but are certainly out of date in the nineteenth century. For example;

> 'If thy heart
> Feel aught of longing to be one of us,
> Be cautious and considerate, ere thou take
> The last resolve. If thou canst bear alone
> Penury and all its evils, and yet worse
> Malevolence, and all its foulmouthed brood
> Of slanderers, and if thou canst brook the scorn
> And insolence of wealth, the pride of power,
> The falsehood of the envious, and the coldness
> Of an ungrateful country—then go on
> And conquer. Long and arduous is the way
> To climb the heights we hold, and thou must bide
> Many a pitiless storm, and nerve thyself
> To many a painful struggle.'

Again.

> 'Let it not depress thee,
> That few will bid thee welcome on thy way,
> For 'tis the common lot of all, who choose
> The higher path, and with a generous pride
> Scorn to consult the popular ear. This land
> Is freedom's chosen seat, and all may here
> Live in content and bodily comfort, yet
> 'Tis not the nourishing soil of higher arts,
> And loftier wisdom. Wherefore else should He,
> Who, had he lived in Leo's brighter age,
> Might have commanded princes by the touch
> Of a magician's wand, for such it is
> That gives a living semblance to a sheet
> Of pictured canvass—wherefore should he waste
> His precious time in painting valentines,
> Or idle shepherds sitting on a bank
> Beside a glassy pool, and worst of all
> Bringing conceptions, only not divine,

To the scant compass of a parlor piece—
And this to furnish out his daily store,
While he is toiling at the mighty task,
To which he has devoted all his soul
And all his riper years—which, when it comes
To the broad light, shall vindicate his fame
In front of every foe, and send to ages
His name and power—else wherefore lives he not
Rich in the generous gifts of a glad people,
As he is rich in thought? There is no feeling
Above the common wants and common pleasures
Of calm contented life. So be assured,
If thou hast chosen our companionship,
Thou shalt have solitude enough to please
A hermit, and thy cell may show like his.'

Perhaps it will prove us to have a very prosaic temperament, if we take up these passages seriously; but we must run the risk of this, and say that we hold them to be altogether wrong and mischievous. It is mere cant to talk in this style about the miseries of poets at the present day. They are under no necessity to be miserable, more than other men of genius, except through their own fault. The world, instead of scorning, courts them; instead of slandering, honors them; and if they will but write good verse, suitable to be read, will buy it till they become rich. How far the proverb anciently applied to poets, that they are a *genus irritabile*, is true in these days, we shall not attempt to decide; but if they choose to be reserved and suspicious, to reject the proffered courtesies of society, and shrink from converse with men, and stubbornly pursue their own fancies, without consulting the taste of the public and the established modes of their art, it is more than probable, that the world will cease to court them, and will leave them to themselves, as it does every other man, who chooses not to mix in its circles upon an equal footing. But this is not peculiar to poets; it applies to every person, whatever his talents, pursuits, or qualities. The courtesies of social intercourse are in their nature reciprocal, and it is vain to expect them long to be continued on one part, where they are neglected or disregarded on the other. No man of worth, poet or not, who seeks the notice and good offices of society, with a willingness to impart what he receives, will fail of his reward in full measure; and it is an unjust reflection on the age, to speak of the ill treatment of men of genius. The

fact is otherwise; no men are so much honored, caressed, and confided in. It were as reasonable for a cabinetmaker to complain of want of patronage, because men would not go down to his workshop on an island in the harbor, and purchase furniture, which he has made of the most fantastic and unfashionable forms. Let him come up to the city, and make such sofas and tables as other men do, and as much handsomer as he pleases. Campbell, Scott, Crabbe, Moore, and Byron, are standing testimonies, that the world does not now compel poets to poverty and contempt; though the last of them did his utmost to drive matters to that extremity.

In regard to the second passage quoted above, we are ready to assent with all our hearts to whatever tribute it contains to the distinguished and excellent artist referred to. We would not fall a note below any one in our eulogy. But we cannot by any means allow the sentiment of the passage to be just. For what is it, when put into plain English? That if this community were not so absorbed in 'common wants and common pleasures,' as to be absolutely without taste or sensibility in the fine arts, they would, by 'generous gifts,' enable their great artist to devote himself to his 'mighty task,' without being called away to execute smaller works for his living; as if this employment were so degrading, that the public are bound to save him from it by a subscription,—secure his independence by a charitable contribution! This is as if a poet should complain, that the nation has not provided him with lodgings, that he may leisurely write an epic poem, and be rescued from the degradation of odes and sonnets, which it wounds his feelings to have sold in the bookstores. For ourselves, we wish that Allston would multiply a hundred fold his minor works; because the records of his fame would be thus multiplied, and the influence of his genius extended. We should be glad, if one of his 'parlor pieces' were hung up in every drawingroom in the country, that the taste of the community might thus be prepared to comprehend and relish some greater work hereafter.

If the poem under notice were the performance of an ordinary writer, we should leave it here; satisfied that we had done our duty to the poet and to the public. But Mr Percival is too important a man, and his example of too great influence, to admit of our leaving unsaid a few other things, which have suggested themselves to our thoughts. The course of our remarks must have rendered it evident, that we have read this poem with a

great mixture of feelings; and we are not willing to lay down the pen, till we have stated a little more at length some of the circumstances, which have detracted from our pleasure, and which forbid our leaving it to be inferred, that the fine extracts which we have made, are specimens of the equal merit of the whole.

We think, then, that there is an excessive diffuseness in the style of Mr Percival. It is not sufficiently compact. It wants pith and point; it lacks the energy, which conciseness imparts. Every thing is drawn out as far as possible, always flowing and sweet, and therefore sometimes languid and monotonous. His poetry is too much diluted. It consists too much in words, which are music to the ear, but too often send a feeble echo of the sense to the mind. There is also a superabundance of images in proportion to the thoughts; they skip about the magical scene in such numbers, that they stand in the way of one another and of the main design. He is too careless in selection; whatever occurs to him he puts down and lets it remain. He is not master of

'That last, the greatest art,—the art to blot.'

Writing, as he evidently does, from the fulness of an excited mind, upon the impulse of the moment; his thoughts crowd one another, and cannot always fall at once into their places and in the happiest expression. There will be confusion sometimes in their ranks, and want of due proportion. This can only be remedied by the free use of the pruning knife—cutting down sentences, changing epithets, rejecting superfluities, expelling parentheses, and various other mechanical operations, to which a less gifted but more patient author would resort. By the neglect of this, he does the greatest injustice to his own powers. Every thing wears an extemporaneous and unfinished appearance. Strength and weakness are most strangely combined, and passages of surpassing elegance and magnificence crowded in amongst slovenly and incomplete. Hence it is rare to meet with a paragraph of any length equally sustained throughout. Flaws show themselves in the most brilliant, and the reader is compelled to stop with a criticism in the midst of his admiration. Instead of giving us, like other poets, the finished work, he gives us the first rough draft; as if Phidias should have ceased laboring on his statues as soon as the marble assumed a human semblance. It is the last touches, which create perfection. It is in them that immor-

tality lies. It is they that remove the last corruptible particles, and leave the mass indestructible. Without them, Virgil, Pope, and Milton, would have gone down to forgetfulness, and Demosthenes and Bossuet have been remembered only by tradition. But Mr Percival, through impatience of labor or some false notions, declines the necessary toil, and takes his chance for immortality in company with imperfection.

For this reason, his powers are displayed to greater advantage in particular passages and in short pieces, than in any extended composition. At a single heat he may strike out a fine conception, and give it the happiest shape. But when his thoughts and pen run on through successive parts of a subject, he easily loses himself in a wilderness of words, beautiful and musical, but conveying indistinct impressions; or rather conveying impressions instead of ideas; reminding us of poetry read while we are falling asleep, sweet and soothing, but presenting very shadowy images. Yet no man has more felicity in expression, or more thoroughly delights and fascinates in his peculiar passages. He has a superior delicacy and richness of imagery, together with an extraordinary affluence of language, of which he can well afford to be, as he is, lavish. It is probably a consciousness of this opulence, which betrays him so often into *verbiage*. He throws away images and words with a profusion which astonishes more economical men, and which would impoverish almost any one else. He may possibly afford it, yet a discreet frugality of expenditure would be far more wise; as a simple, chastened elegance is far preferable to a wasteful display, which exhibits its whole wardrobe and furniture without selection or arrangement. We find it difficult to select a passage, which may illustrate our remarks, as those which are most to our purpose run on, line after line, almost indefinitely. The following example is within as small a compass as any.

> 'With such a gifted spirit, one may read
> The open leaves of a philosophy,
> Not reared from cold deduction, but descending,
> A living spirit, from the purer shrine
> Of a celestial reason. One is found
> By slow and lingering search, and then requires
> Close questioning of minutest circumstance,
> To know, it has the genuine stamp. The other
> Is in us, as an instinct, where it lives
> A part of us, we can as ill throw off,
> As bid the vital pulses cease to play,

And yet expect to live—the spirit of life,
And hope, and elevation, and eternity,—
The fountain of all honor, all desire
After a higher and a better state,—
An influence so quickening, it imbues
All things we see, with its own qualities,
And therefore Poetry, another name
For this innate Philosophy, so often
Gives life and body to invisible things,
And animates the insensible, diffusing
The feelings, passions, tendencies of Man,
Through the whole range of being. Though on earth,
And most of all in living things, as birds
And flowers, in things that beautify, and fill
The air with harmony, and in the waters,
So full of change, so apt to elegance
Or power—so tranquil when they lie at rest,
So sportive when they trip it lightly on
Their prattling way, and with so terrible
And lionlike severity, when roused
To break their bonds, and hurry forth to war
With winds and storms—though it find much on earth
Suited to its high purpose, yet the sky
Is its peculiar home.'

Now we conceive that there is no little beauty in this passage, and yet the sensation after reading it is that of confusion and fatigue. Its beauties come upon the eye by glimpses, like the sparkling of a river, here and there, through the hills and forests, among which it winds. The writer's thoughts poured fast, and without selection or amendment he transferred them to his page. But it is obvious, that a careful revision, which should reduce the lines to half their number, would more than double the value of those that remain. We are stopped at the very outset by an obscurity arising from the circumstance, that the poet uses the words *one* and *the other*, to refer to the form in which the preceding sentence lay in his own mind, instead of its form as written. The reader is obliged to study for some time ere he can discover to what two things he alludes. 'To know, it has the genuine stamp.' Here too the construction disturbs him; he must read a second time before he sees, that 'whether it have' would give the true sense. In the next sentence, which contains fifteen lines, he very soon becomes a little bewildered, and when he reaches the words 'so often,' he is thrown out of his

track altogether and compelled to try again. For ourselves we confess, that even the second reading did not sufficiently disentangle the construction. In the next sentence, he stumbles at once upon a parenthesis of ten lines, without any intimation from any quarter that his path is thus turned aside, and he travels on to the end, blindfold, not knowing whither he is going. After a few pages like this, most readers would be inclined to give up the study in despair; and if called upon to remark how wonderful it is, that it should have been written in so short a time; they might be expected to reply, Very true, but Sheridan's remark is true also, 'Easy writing is hard reading.'

A similar example occurs in the long chain of sentences, which are linked together on pages 14, 15, 16, and which evidently owe their blemishes to their extemporaneous composition.

> 'Chasing him in his exile till *they* left
> No pillow for his head.'

The antecedent of *they* is Florence.

> 'O! it is painful,
> To think the very chiefest of the mighty,
> Heroes in song, *as there are those* in war—
> How they were made the butt and sport of fools.'

This is slovenly.

> 'We may well
> Forgive a heart, that could not brook the sight
> Of any suffering thing, that *he* indulged
> Such fond imaginings.'

Here again the pronoun has forgotten the gender of its antecedent, as in the preceding instance its number.

Speaking of the stars in a bright winter's night;

> 'And all the *skyey creatures* have a touch
> Of majesty about them.'

> 'These, as they had no favor from the world,
> *Whose love is change*, so they are still above it.'

Meaning, we suppose, 'whose love is changeable.'

In a passage already quoted, he makes the *visions of the soul* higher than the *leap* of Execution; and Execution lagging behind the *glance* of Conception.

We are inclined to attribute many of the blemishes of Mr

Percival's general manner, and of the present poem in particular, to the want of sufficient respect for the mechanical laws of metrical composition. We know it is the tendency of the age to give them as liberal an interpretation as possible, and to assume the greatest license in breaking them. But few have so often and perseveringly broken them as our author. He delights in the anomalies of verse; he prefers the exception to the rule; he sets at defiance the established accents and pauses, and loves to baffle the ear that seeks the accustomed rhythm, and is expecting the close of the line to be signified by a pause. In some of his smaller pieces he has done otherwise; and in them his success has been complete; as for example, in the Coral Grove, one of the most distinct and exquisite pieces of fancy work, which the muse ever sketched. And in general, where he has been most observant of the laws of metre, and has been willing to submit to their severest restraint, there he has succeeded best in avoiding his characteristic blemishes. But in some of his longer poems, he defies all restraint, and bursts from all shackles; pauses where he pleases, changes the rhythm when he pleases, rushes by the termination, and tramples down the cæsura, and brings rhyme as nearly as possible to blank verse, and blank verse as nearly as possible to prose.

We apprehend indeed that the rules of blank verse are far too loosely observed by most writers of the present day. Too great care is taken to conceal its structure, and to prevent the ear from detecting the close of the lines. It is doubtless necessary to avoid that formality of construction, by which the march of the lines could be all distinctly told, as if it were intended that they should be counted off as they were uttered. For it is the privilege and charm of this verse to admit a musical succession of unequal sentences, a melody forever sustained and forever varied. But then it is of the utmost importance, that strict attention should be paid to this succession of sentences, that the rhythm should be skilfully adjusted, and the pauses distinctly marked and harmoniously arranged. Poetry, as far as it consists in words, depends upon the rhythmical structure of the language; and this depends on the return, at intervals which the ear can mark, of certain accents and pauses. In order to secure this the sentences must not be extended beyond a certain length. They must for the most part be short. Otherwise the ear becomes wearied in beating the time, and perhaps is bewildered in the intricacy of the elongation. Accordingly we believe it will be found, that the most admired poets express themselves uni-

formly in short sentences, with frequent pauses. This circumstance constitutes, in no small degree, the charm of their verse. And this also is a great part of the charm of those writers, who have been most admired for their elegant and melodious prose. They present no more at a time than the ear can compass. In this respect there is a coincidence between poetry and music. All music is made up of short measured passages, in which the pauses and semipauses are distinct and frequent. No musical composition would be tolerable, which should run on through twenty bars without such resting places for the ear. It would be but a wilderness of sounds, without sense or expression. The pleasure of verse depends on the same principle, and is as surely destroyed if it be unobserved. A long passage of verse, in which the metrical pauses do not strike the ear with decision, comes to it as prose. Its character changes from the poetical to the rhetorical; and the rhetorical style, which delights in protracted periods and accumulated members, is as much out of place in a poem, as the flowers, and tears, and sentiment of poetry are out of place in the senate, or at the bar.

Now we conceive that these principles, however essential and fundamental, are too much winked out of sight at the present day; and that the ridicule of 'sing song' and 'cuckoo song' verses has persuaded many to think that prosaic lines are beautiful, and that a breach of established rules is better than the observance. Hence feeble and halting verses are thrown in to disturb the metre and create a salutary discord; and paragraphs, which should be adjusted to the musical movement of poetry, are lengthened out in the measure and emphasis of rhetoric.

Through this mistake the peculiar excellencies of blank verse are made to disappear. It is a noble verse in itself, capable of wonderful variety and almost unequalled expression. It sustains the sublime, it gives grace to the little; and by its many modulations and combinations, may take as wide a range as the organ with its many stops. But in order to this, it must be managed by a skilful hand. A tyro, or a careless performer, may bring out only discordant and disagreeable tones. It is an instrument, whose power must be studied. It requires the touch of a master, whose soul is not only a fountain of harmony itself, but who by diligent study has become acquainted with the mysterious contrivances, by which it can be made to vary and increase its effect. This is impossible without a rigid observance of its laws. These are but few, but for that very reason they should be sacredly observed. There is no verse, which so imperiously

demands a strict conformity to the principles of its construction. Yet the impression with many writers seems to be, that the greatest latitude is allowable; that as the laws are few, they must be of small consequence; that having thrown off the fetters of rhyme, all others may be rejected also. But this is the best reason why all others should be retained. If the rhyme remains as a landmark, irregularities are of less importance, for they will be set right by the termination of the line. But there is no such redeeming power in blank verse; and an irregularity turns it to prose at once.

We believe it will be found true of the successful poets, that their success has been very much in proportion to the strictness of their fidelity to the laws of metre. We of course do not speak without exception, nor forget that genius will oftentimes 'snatch a grace beyond the reach of art.' But as a general remark, we hold it to be incontrovertible. Indeed, if it were otherwise, why not write in prose? We throw thoughts into verse, in order to aid the impression of the sentiment on the mind by the gratification of the ear. The ear then must be gratified. There must be a modulation, which it can detect and recognise. If not, the very object of writing in this mode is defeated. Burke once said, that 'blank verse seems to be verse only to the eye.' Now this is not true of good blank verse; it ought not to be true of any. Take the true poetry of Milton, Thomson, Cowper; let it be read aloud, and the ear will decipher it, and pronounce it to be verse, as unerringly as the eye. Burke must have merely intended to say a smart thing, without regard to truth, or else he had been accustomed to very bad readers, or was a bad reader himself, or had never paid attention to the laws of English prosody, or he wanted a discriminating ear. Could he detect no difference between the rhetorical rhythm of his own speeches, and the poetical rhythm of Milton? Could his ear perceive no difference between the prose and the verse of Shakspeare, as recited on the stage?

Yet many writers appear to have taken up this offhand saying of the eloquent statesman, as if it were an authorized canon of criticism; and seem to have endeavored after a construction of their lines, which should give as few hints as possible to the ear, of the class of composition to which their works belong. We regret to find Mr Percival encouraging this lax notion; and are persuaded, that he can never do full justice to his own fine powers, until he changes both his opinion and his practice.

ART. IV.—*Journal of a Tour around Hawaii, the largest of the Sandwich Islands.* By a Deputation from the Mission on those Islands. Boston. 1825. Crocker & Brewster. 12mo. pp. 264.

THE clusters of islands in the great Pacific ocean, comprising that portion of the earth's surface called in recent geography Polynesia, remained a hidden region of the globe till comparatively modern times. Almost nothing was known of the vast number of islands scattered in this remote hemisphere, till the discoveries of Cook, although a few of them had been visited by earlier navigators. Polynesia reaches from the Sandwich Islands on the north to New Zealand on the south, and from the coast of America to the Friendly Islands, embracing, together with these, the groups of the Society Islands, the Marquesas, and all the other islands, which fall within the space designated by these general outlines. This new geographical division of the earth extends, therefore, from north to south about five thousand miles, and from east to west nearly four thousand.

It was not merely for the technical convenience of classification, that geographers arranged all these islands under one name. Their actual and relative position might properly enough suggest such an arrangement; but there are other and stronger reasons founded in the physical conformation of the islands themselves, in the productions of the soil and effects of climate; and, above all, in the characteristic traits of the inhabitants, their social habitudes, customs, manners, modes of living, language, government, and religion. In all those particulars, which are considered as marking the broad features of the human constitution and character, the inhabitants of Polynesia exhibit a striking resemblance. Of no races or tribes of men can it be inferred with greater certainty, that they originated from a common stock. Considering how widely these people are dispersed, inhabiting countless numbers of islands, many of them several hundred miles asunder, and without any obvious means of intercommunication before their discovery by Europeans, and considering also the remarkable points of similarity between them all, it is obvious that their history and condition present a fruitful theme for curious inquiry and reflection. We aim not now, however, at so discursive an investigation; the matter before us relates exclusively to the Sandwich Islands, and that portion of the Polynesian family inhabiting them.

For some time after Cook visited these islands, where he was killed by the natives, he was universally considered as the first discoverer; but La Perouse has made it appear more than probable, that they were discovered by Gaetano, a Spanish navigator, as early as 1542. It is said that the use of iron was known among the natives, before they were visited by Cook, and as no iron is produced on any of the islands, it is hence inferred, that the natives must have had a previous intercourse with Europeans. To this argument it has been replied, that iron might have been obtained from the wrecks of vessels, which had doubtless from time to time floated to the shores. The testimony advanced by La Perouse, however, is of a historical nature, and amounts to a very high degree of probability. Be the fact as it may, it is quite certain, that the natives, when Cook found them, had no knowledge or tradition of a previous visit from any European, nor any tinge in their manners and opinions indicating an intercourse with foreigners.*

The number of islands in this group is ten, of which eight are inhabited. The superficial contents of the whole are estimated at 5050 square miles. Hawaii, (Owhyhee,) is supposed to contain 4000 square miles, being thus four times greater in extent, than all the other islands, and nearly as large as the state of Connecticut. It is ninetyseven miles long, and seventyeight broad. The amount of population has been variously estimated; in Cook's time it was thought to be four hundred thousand on all the islands. The navigators, however, had no accurate means of calculation, and this is evidently a highly exaggerated estimate. It would be within bounds to fix it at half that number. Many causes have since concurred to produce a rapid decrease; monuments exist giving evidence of a more numerous population at a former period. The missionaries, who have attended a good deal to the subject, with the best opportunities for judging, do not place the present number, on all the islands, higher than one hundred and thirty thousand, of which eightyfive thousand, or two thirds of the whole, inhabit the island of Hawaii.

* A general account of the discovery of the Sandwich Islands, and some remarks on the recent history of the people, may be found in a former number of this Journal. See Vol. III. for May, 1816, p. 42.—In an article on *New Zealand* are also contained many particulars, relating to the character and manners of the inhabitants of that country, their customs and government, which will apply with little variation to all the Polynesians. See North American Review, Vol. XVIII. No. 43, for April, 1824, p. 329.

As the Sandwich Islands afford a valuable article of commerce in sandal wood, and are favorably situated for supplying with provisions whale ships, and other vessels crossing the Pacific, they have been much more frequently visited by foreigners, than the other Polynesian groups. For several years past, indeed, factors and agents from England and the United States have resided there for mercantile purposes. This intercourse has naturally caused some advancement in the arts of civilization; new wants have been created, by an acquaintance with articles of convenience or luxury unknown before, and to supply these wants new incentives have been given to industry. It is melancholy to know, however, that the vices of civilization have made their way, in too many instances, more rapidly than its improvements or comforts; that indulgence in novel sources of gratification has unnerved the arm of enterprise; that the powerful, instead of being quickened to industry, have laid more oppressive burdens on the weak. This must perhaps always be the case under similar circumstances. Civilization is not the work of a day; nor is it an opinion, a theory, or consent of the mind; it is a habit, an acquired nature, the growth of years, wrought into the being and constitution of the human system, both intellectual and corporeal. A savage is not to be brought to this state at once; it has cost the education of a life in the civilized man, and it can hardly be done at less expense of time and care in the uncivilized. One of the great instruments of civilization is restraint; society itself, as well as the closer ties of private relationships, is held together by the system of restraints, to which every member subjects himself; restraints on appetites, feelings, wishes, conduct. We have learnt to do this by habit from infancy; education, a cultivated understanding, refined moral sense, the knowledge of a pure religion, and example, have contributed each its portion to confirm the habit, and make up the civilized man. Now the savage has all these appetites and propensities, without the habit of controlling them, or of resisting temptation; and without the moral light and culture, that enable him to discern their pernicious tendency, and reflect on the consequences of indulgence. Nature manages the matter very well, while it is wholly in her charge; she teaches the savage to be contented with his narrow comforts, and confine his wants to the means of supply, which his rude skill in the arts of life has compassed. But when civilization has poured out before him her accumulated stores, tempted him with novelty, and

pampered him with the promise of new gratifications, he is no longer under the pupilage of nature; he becomes a civilized man to the utmost of his power; that is, he gives way to all the excesses of civilized life, in which he needs no instructers but his appetites, and possesses none of the virtues, principles, and habits, which are the balancing weights in the character of the civilized man, but which are only to be acquired by a long train of discipline. Hence it is, that the Sandwich Islanders were not for a time in the way of the best influences of civilization; they were visited by seamen, or traffickers, whose example was not a shining light, and whose business and interest it was to furnish the natives with such articles as they most craved, and for which there was the quickest demand.

Such was the condition of the Sandwich Islanders from the time of their discovery by Cook, till very recently; but we are happy to state, that a salutary change is now taking place, and that prospects of improvement among them are in a high degree encouraging. In April of the year 1820, a body of Missionaries from this country arrived at Hawaii, and were favorably received by the king.* Being divided into small parties, they were stationed on different islands, and from that period have been laboring with great zeal and selfdevotedness to advance the intellectual, moral, and religious culture of the natives. Schools have been established, houses for stated religious worship erected, a printing press put in operation, and books published in the Hawaiian dialect; many of the natives have already been taught reading, writing, and the elementary principles of a refined education. This is taking the true ground; it is opening a way gradually to the hearts and understanding of the people; it is scattering seed in the minds of the rising generation, which will hereafter spring up, and flourish, and produce fruit.

The arrival of the Missionaries among the Sandwich Islanders, we hold to be an important era in the history of that people. Certain political events had then recently occurred, favorable to the objects of the Missionaries, which it is here proper to recount; and in doing this, we shall glance briefly at the character

*The first Mission embarked from this country on the 23d of October, 1819. It consisted of seven men and their wives. Messrs Bingham and Thurston were clergymen; Mr Chamberlain, farmer; Dr Holman, physician; Mr Whitney, teacher and mechanic; Mr Ruggles, teacher; Mr Loomis, printer. Three natives, Honooree, Hopoo, and Tennooe, who had been educated in this country, also returned with the Mission.

of the great king Tamehameha, and the government established by him. This personage stands out in bold relief on the prominent lists of men, who, by their talents, have acquired an unbounded dominion over others, and by their conquests and good fortune have made themselves objects of the gaze and wonder of the world. Tamehameha was the Gengis Khan, or Bonaparte, of Polynesia. He conquered till there was nothing more to conquer, and he ruled absolute to the end of his life. In former times the Sandwich Islands were governed by chiefs independent of each other. The right of government was hereditary in the principal chiefs; subordinate governors ruled under them; and in some cases the authority of a chief extended beyond his island. Hawaii was divided into several districts, over each of which a chief presided, and although these chiefs possessed different degrees of authority and power, it does not appear, that either of them acknowledged a permanent dependence on any of the others. Wars were constant, but rather for predatory purposes, than for conquest, or the extension of territory.

The author of the Tour around Hawaii visited a place called Halaua, on the north eastern extremity of the island, which is understood to have been the birthplace of Tamehameha. His original possessions consisted of lands inherited from his ancestors at Halaua, and a small tract on another part of the island in the district of Kona. He lived in the place of his birth till he was grown to the age of manhood, and tradition records many extraordinary incidents in his youthful years, and points to the yet remaining monuments of his early enterprise and prowess. Nature endowed him with an active and vigorous mind, and the happy faculty of winning the esteem, and commanding the respect of his companions, in such a manner as to impress them with a sense of his superiority, and make them his willing followers, and the zealous abettors of his designs. He was fond of athletic exercises and warlike amusements, of planning and executing difficult undertakings. He dug wells, and excavated passages through rocks, for a more easy access to the seashore. One of his accomplishments was agriculture; he cultivated a field of potatoes and other vegetables with his own hands; it is still shown to the traveller, and called by his name; other fields were in like manner cultivated by his companions, who followed his example; he planted groves, which are now standing. But nothing was more remarkable in his character, than the strict and profound worship, which he rendered to his

god Tairi; this god he supposed to have great power, and to require his most devoted service.

The history of the first part of the political life of Tamehameha, has not yet been brought to light. What motives, other than the promptings of his restless and ambitious spirit, first induced him to wage war, and then to continue it till he had acquired universal dominion, we have no means of explaining. It is known, however, that a great battle was fought in the year 1780, on the plains of Mokuohai, near the place where Captain Cook was killed, which lasted seven or eight days, and was contested with great obstinacy on both sides, till at length Tamehameha succeeded in killing the king, routing his party, and securing a complete victory. Prodigies of valor are said to have been exhibited in that battle; Tamehameha's god Tairi was elevated on the field, and surrounded by its priests; with this image before their eyes Tamehameha, his sisters, and friends fought with desperate bravery, and undaunted confidence. This battle decided the destiny of Hawaii; from that day the old dynasty of kings was at an end, and Tamehameha was the sole monarch of the country. In due time the other islands submitted to his authority, and he reigned king of all the Sandwich Islands till the time of his death, a period of nearly forty years. The fact of his reigning so long over such a people, is a proof not less of his prudence and wisdom, than his surprising ascendency to power is of his talents and valor.

When the vessel, which took out the Missionaries, approached Hawaii, the first intelligence that came from the shore was the death of Tamehameha. He had died the year before, in 1819, and was succeeded by his son Rihoriho. It was further added, that idol worship was abolished by the new king, the idols ordered to be destroyed, the old *tabu* system broken up, and, in short, that the ancient religion of Hawaii was abrogated by a royal mandate. All this, incredible as it was, proved to be true; and in Rihoriho we have the phenomenon of a savage prince, strictly educated in the most superstitious rites, not only deserting the religion of his ancestors, but using his power to abolish it. This is the more remarkable, as one of the last injunctions of Tamehameha was, that his son should cling to the religion of his fathers, and render due homage to those gods, who had so long been the protectors of his family and the nation. Rihoriho heeded not this admonition, for he was hardly clothed with the regal authority, before he ordered the idols to be destroyed, the

temples pulled down, and the priesthood dissolved. So violent a measure could not fail to be met with opposition, and some of his revolting subjects took up arms in defence of their gods, and assembled in battle against the forces of the king. They were overcome and put to flight, however, after a severe and bloody conflict, and they at length capitulated and yielded to the king's decree. Rihoriho was successful in putting down the insurrection, and, what was more surprising, in suddenly bringing the great mass of the people into his own views; and the old idolatry received a shock, from which it had no power to recover. His most important ministers and friends favored his designs, and when his mother, Keopuolani, was consulted on the subject, she said to the messengers; 'You speak very properly, our gods have done us no good, they are cruel, let the king's wish and yours be gratified.' It does not appear, that any harsh means were resorted to in carrying this decree into effect, nor that devotees were disturbed in their old modes of worship; toleration was allowed, but the example of the king and chiefs was more effectual, than any code of penal laws. The idols were tumbled down, and treated as senseless stocks and stones. Priests and priestesses, sorcerers and fanatics, the usual instruments of a gross superstition, still remain and practise upon the fears of the people. These artifices will have their effect for a time, but a single glimpse of light from a better system will scatter such delusions, when the mind has once escaped from the dark bondage of a wretched idolatry, and will prepare the way for a reception of rational ideas.

The causes of so astonishing a change in that most deeply rooted of all intellectual habits, the religion of a people, cannot perhaps be fully ascertained, without a better knowledge of the history of the times, than has yet come to us. A few of them, however, are obvious. They grew necessarily out of the frequent intercourse of the natives with foreigners, and the notions imbibed by some of the more intelligent among them, respecting the customs of other countries. The old idolatry was a most oppressive burden; it harassed the mind with incessant fears of the anger and destroying power of the deities; it exacted practices not more absurd, than cruel and subversive of the order and happiness of society; it even demanded human sacrifices. The *tabu* system, so universal throughout all the Polynesian islands, is the most terrible instrument of human tyranny, which has ever been known; no other parts of the

world, no other stages of society, have exhibited anything like it, whether regarded in the nature of a political or religious engine, and whether as operating on the opinions, the fears, or the conduct of the people. On a former occasion we have explained the nature, and looked into the causes, of this extraordinary institution.* The following is an account of its operation at the Sandwich Islands.

'During the existence of the *tabu*, or days of prohibition, no person except a chief, or priest, must presume to eat a cocoa nut; no female must eat pork; males and females must never eat with each other, or even from the same dish; and if by any means a man was found upon a tree, or on the mast of a vessel, or in any other place over the king's head, his life was forfeited to the gods. The same was the case with a man who by accident placed his hand over the king's head.

'Besides the *tabu* above described, which were perpetual, there were others embracing certain days in the year, when no fishing canoe must be seen in the water, nor any man out of his house. At this time also the priests, taking some image with them, usually went from island to island collecting the taxes for the gods. The penalty for breaking *tabu* was death.

'When a sacrifice was wanted, and no criminal could be found, they imposed a new *tabu* of such a nature as to present a strong temptation to some person or persons to break it; perhaps it was laid secretly, and then whoever should be so unfortunate as to break it, was immediately seized, by persons on the watch, and hurried away to the altar.

'A foreign resident has told us, that on one of these days of restriction, he saw a canoe sailing out in front of several houses, and upset by the surf. One of the men afterwards appeared to be drowning. An old man of tender feelings sprang from his house to save the sinking man. In an instant he was seized by the servants of the priests, carried to the adjacent temple, and there sacrificed. In the mean time, the man apparently drowning jumped into his canoe, and rowed away.' *Life of Keopuolani*, p. 15.

These are the outlines only of the system; it descended into the particulars of daily intercourse, and made every individual more or less wretched with fears of imaginary evil, or with actual privation and suffering. This drove them to the worship

* See North American Review, No. 43, for April, 1824. Vol. XVIII. p. 350.

of imaginary gods, to ceremonies and sacrifices, to the construction of images and temples, and to the reverence and support of a deluded priesthood. The entire scheme was a burden hard to be borne, imposing a severe task upon the people, exhausting their means for a useless purpose, forbidding many innocent enjoyments, and perpetually doing violence to some of the strongest sympathies of the human heart. Now it could not escape the more intelligent of the natives, that the foreigners among them were a superior race to themselves; that they followed their own inclinations and were prosperous in their affairs, and yet gave no heed to the gods of Hawaii, had no apprehensions of their anger or influence, and despised alike their power and their worship. This was an argument that a savage could understand; it came down to his senses, feelings, interests, and it had its effect. It worked its way insensibly, and when the young prince Rihoriho came to the throne, he was prepared to act from the convictions it had produced. That the stubborn nature of Tamehameha should have resisted its appeals is natural enough; his was not a mind to be moved by accidents, or from which strong impressions were easily to be eradicated; from his infancy he had reverenced the religion of his country; to his god Tairi he ascribed his successes; he had reigned forty years protected by the gods of his native island, and it was not for him to desert the religion of his fathers, or believe that a better existed in the world. The young king's principal advisers, however, were on his side. Karaimoku, his prime minister, and the most remarkable man probably, after Tamehameha, whom the Sandwich Islands have produced, was forward in promoting the measure. He acted as general of the king's forces in quelling the rebellion. And we have seen that the king's mother, also an important personage, readily consented, on the ground that the gods were cruel, and 'had done no good.' Thus was the revolution accomplished, and idolatry abolished by the government. It is supposed, moreover, that the chiefs were influenced by the intelligence repeatedly received, respecting the changes introduced by Pomare, king of the Society Islands, in consequence of the long residence of the English Missionaries in his dominions.

But without looking farther for causes, it is enough to know, that such was the extraordinary state of things, when the Missionaries from the United States arrived at Hawaii. However it was brought about, the event was auspicious for them, and the

hand of Providence seems to have prepared the field for their labors. When they applied for permission to settle on the different islands, as religious teachers, some of the chiefs were opposed to the plan, but it met with the full approbation of Karaimoku, and the king's mother. The king finally said, 'Let them remain a year, and we shall know what to do.' The year passed away, the Missionaries gained in favor, and from that time to this they have been pursuing their labors with zeal and fortitude, and with a success adequate, we believe, to their most sanguine expectations.

It was deemed a fortunate circumstance, that the Rev. William Ellis, an English Missionary, who had resided six years at the Society Islands, joined our Missionaries in the beginning of the year 1822. This gentleman had made himself master of the Tahitian dialect, which so closely resembles the Hawaiian, that he was able to converse with the natives, and in a short time to speak to them in public. His services at that time were of great importance, in assisting the Missionaries in constructing a grammar of the language, and in preparing elementary books suited to the instruction of the natives. His experience, also, made him a most useful counsellor, and enabled him to apply the means of instruction and influence with more effect, than those who had but recently begun the work. The American Missionaries uniformly speak with marked respect and kindness of this gentleman; and those who knew him while in this country during the past year, will respond a not less cordial testimony to his worth, his amiable character, and his sincere devotedness to the cause in which he was engaged.*

As the Missionaries received an accession to their numbers from the United States, in April, 1823, it was thought expedient to extend the sphere of their operations. With this view a Deputation was appointed to explore the island of Hawaii, to ascertain the best places for missionary stations. The gentlemen appointed

* An account of the doings of the Missionaries in the Sandwich Islands, may be found in the successive numbers of the *Missionary Herald*, beginning with the seventeenth volume, and coming down to the present time. Other particulars are also contained in an interesting little tract, entitled a *Memoir of Keopuolani, late Queen of the Sandwich Islands*, written on the spot by one of the Missionaries. This queen exhibits a remarkable instance of the power of instruction on a strong mind, grown up to maturity in ignorance and superstition. She was the wife of Tamehameha, mother of Rihoriho, the late king, and also of Kauikeouli, the young heir apparent, now ten years old.

for this duty were William Ellis, Asa Thurston, Charles S. Stewart, Artemas Bishop, and Joseph Goodrich. The little volume before us is the result of their observations during the tour, drawn up by Mr Ellis from his own minutes, and such as were kept by his companions. The journal is prefaced by a short, summary Report of the Deputation, and in the Appendix are contained several particulars illustrative of the journal, collected and arranged by the assistant secretary of the Board of Foreign Missions. In addition to the points bearing immediately on the main object of the travellers, they have succeeded in gathering many facts curious in themselves, and throwing light on the geography and natural history of the island, as well as on the customs, traditions, agriculture, and modes of living of the inhabitants.

The tour was begun at Kairua, a village on the western side of the island, and the residence of Kuakini, the principal chief of Hawaii. They proceeded along the coast to the south, east, and north, till they had encompassed the island, having occupied in their ramblings a little more than two months. They made frequent excursions inland, visited the principal villages, conversed with the people, preached to them on proper occasions, and collected such information, as in the most satisfactory manner to answer the ends of the mission. A guide was furnished them, called Makoa, a personage of a somewhat remarkable appearance and character, to judge from his picture, and the description of him in the book. But he was faithful to his duty, and the travellers were hospitably received and civilly treated wherever they went.

Six days after the departure of the Deputation from Kairua, they came to Kearakékua bay, the scene of the fatal tragedy, which ended the life of the great English navigator. The facts here reported add something to the former stock of knowledge, and comprise everything, probably, which can be gathered from the natives on the subject.

'About sunset Mr Goodrich ascended a neighboring height, and visited the spot where the body of the unfortunate Captain Cook was cut to pieces, and the flesh, separated from the bones, was burnt. It is a small inclosure about fifteen feet square, surrounded by a wall five feet high. Within is a kind of hearth about eighteen inches high, encircled by a row of rude stones. Here the fire was kindled on the above mentioned occasion. The place is still strewed with charcoal.' p. 33.

'Some of us climbed the rocks, and visited the cave where the body of Captain Cook was deposited, on being first taken from the beach.

'There are a number of persons at this and other places in the islands, who were either present themselves at the unhappy dispute, which in this village caused the death of the celebrated Captain Cook, or who, by their connexion with those who were, are intimately acquainted with the particulars of that melancholy event. With many of them we have frequently conversed, and though their narratives differ in some smaller points, yet they all agree in the main facts published by Captain King, his successor.

'The foreigner, they say, was not to blame; for, in the first instance, our people stole his boat, and he designed to take our king on board and detain him till it should be returned. Captain Cook and Teraiopu were walking together towards the shore, when our people thronged round the king, and objected to his going any farther. While he was hesitating, a man, running from the other side of the bay, entered the crowd almost breathless, and exclaimed, "It is war! The foreigners have commenced hostilities, have fired on a canoe from one of their boats, and killed a chief." This enraged some of our people, and alarmed the chiefs, as they feared he would kill the king. The people armed themselves with stones, clubs, and spears. Kanona entreated her husband not to go. All the chiefs did the same. The king sat down. The foreigner seemed agitated, and started for his boat. Then one of our men attacked him with a spear, but he turned, and, with his double barrelled gun, shot the man who struck him. Some of our people then threw stones at him, which being seen by his men, they fired on us. Captain Cook turned, and tried to stop his men from firing, but he could not on account of the noise. He was turning again to speak to us, when he was stabbed in his back with a *pahoa*. A spear was at that same instant driven through his body. He fell into the water and spake no more. After he was dead we all wailed. His bones were separated, and the flesh scraped off and burnt; as was the practice in regard to our own chiefs when they died. We thought he was our god *Rono*, worshipped him as such, and reverenced his bones.

'Several of the chiefs frequently express the sorrow they feel whenever they think of him, and the people, generally, speak of these facts with much apparent regret. Yet they free the king from all blame, as nothing was done by his orders.

'It has been supposed, that the circumstance of his bones being separated, and the flesh taken off, was evidence of the most savage and unrelenting barbarity; but so far from this, it was the highest respect they could show him, as will be seen more fully hereafter.

We may also mention here, the ground on which Captain Cook received the worship of a god. Among the kings, who governed Hawaii, during what may, in its chronology, be called the fabulous age, was *Rono*, or *Crono*. On some accounts he became offended with his wife, and slew her. After this, he lamented so much, that he fell into a state of derangement, and in this state travelled through all the islands, boxing with every one he met. He then set off in a canoe for a foreign country. After his departure, he was deified by his countrymen, and annual boxing and wrestling games were instituted in his honor. As soon as Captain Cook arrived, it was supposed and reported, that the god Rono, had returned. Hence, the people prostrated their deities before him, as he walked through the villages. But when, in the attack made upon him, they saw his blood running, and heard his groans, they said, "No, this is not Rono." Some, however, even after his death, supposed him to be Rono, and expected he would appear again. After the departure of the vessels, some of his bones, his ribs, and breast bone, as part of Rono, were considered sacred, and deposited in a heiau, or temple, belonging to Rono, on the opposite side of the island, where religious homage was paid to them, and from which they were annually carried in procession to several other heiaus, or borne by the priests round the island to collect the offerings of the people to the god Rono. The bones were preserved in a small basket of wicker work, completely covered over with red feathers. These last, in those days, were the most valuable articles the natives possessed, generally rendered sacred, and considered a necessary appendage to every idol, and almost to every object of religious homage, through the islands of the Pacific. They were supposed to add much to the power and influence of the idol, or relic, to which they were attached.

'The missionaries in the Society Islands had, by means of some Sandwich Islanders, been many years acquainted with the circumstance of some of Captain Cook's bones being preserved in one of their temples, and receiving religious worship, and, ever since the arrival of Mr Ellis, in company with the Deputation, in 1822, every endeavor has been made to learn, whether they were still in existence, and where they were kept. All those, of whom inquiry has been made, have uniformly asserted, that they were formerly kept by some of the friends of Rono, and worshipped, but have never given any satisfactory information, as to where they now are. Whenever we have asked the king, or Kevaheva, the chief priest, or any of the chiefs, they have either told us they were under the care of those, who had themselves told us they knew nothing about them, or that they were now lost.

'After the investigation, that has been made, we have no doubt, but that part of Captain Cook's bones were preserved by the priests, and were considered sacred by the people, probably till the abolition of idolatry in 1819. At that period, most likely they were committed to the secret care of some chief, or deposited by the priests, who had charge of them, in some cave unknown to all besides themselves. The manner in which they were then disposed of, will probably remain a secret, except to the parties immediately concerned. The priests and chiefs always appear unwilling to enter into conversation on the subject, and seem to wish to avoid renewing the recollection of the unhappy circumstance.' pp. 74–77.

The travellers frequently met with the remains of ancient *heiaus*, or idol temples, some of which appeared in a condition nearly as perfect as when used, and they were all regarded by the natives with a kind of awe, although the sacrifices and worship had ceased. The following description will give an idea of the form of these structures, although some of them are of greater dimensions. This *heiau* is called Bukohola.

'It stands on an eminence in the southern part of the district, was built by Tamehameha, about thirty years ago, when he was engaged in conquering Hawaii and the rest of the Sandwich Islands. He had subdued Maui, Ranai, and Morokai, and was preparing from the latter to invade Oahu, but in consequence of a rebellion in the south and east parts of Hawaii, was obliged to return thither. When he had overcome those who had rebelled, he finished the heiau, dedicated it to his god of war, and then proceeded to the conquest of Oahu. Its shape is an irregular parallelogram, two hundred and twentyfour feet long and one hundred wide. The walls, though built of loose stones, were solid and compact. On the side next the mountains, they were twenty feet high, and six broad on the top, but nearly double that breadth at the bottom. The walls next the sea were not more than seven or eight feet high, and proportionably wide. The upper terrace within the area was spacious, and much better finished than the lower ones. It was paved with various kinds of flat, smooth stones, brought from a considerable distance. At the south end was a kind of inner court, where the principal idol used to be kept, surrounded by a number of images of inferior deities. In the centre of this inner court was the place where the *anu* was erected, which was a lofty frame of wicker work, in shape something like an obelisk, within which the priest stood as the organ of communication from the god, whenever the king came to inquire his will in any matter of importance. On the outside, just at the entrance of it, was the

place of the *rere*, (altar,) on which human and other sacrifices were offered. The remains of one of the pillars that supported it, were pointed out by the natives, and the pavement around was strewed with bones of men and animals, the mouldering relics of those numerous offerings once presented there. About the centre of the terrace was the spot where the king's sacred house stood, in which he resided during the season of strict tabu, and at the north end, the place which the priests' houses occupied, who, with the exception of the king, were the only persons permitted to dwell within the sacred enclosure. Holes were seen on the walls, all around this, as well as the lower terraces, where wooden idols of varied size and form formerly stood, casting their hideous stare in every direction. Tairi, or Kukairimoku, the favorite war god of Tamehameha, was the principal idol. To him the heiau was dedicated, and for his occasional residence it was built. On the day in which he was brought within its precincts, vast offerings of fruit, hogs, and dogs, were presented, and no less than eleven human victims immolated on its altars. And although the huge pile resembles a dismantled fortress, whose frown no longer strikes terror through the surrounding country, yet it is impossible to walk over such a golgotha, or contemplate a spot which must often have resembled a pandemonium, more than any thing on earth, without a strong feeling of horror at the recollection of the bloody and infernal rites frequently practised within its walls. pp. 51—53.

Among the most extraordinary phenomena on the island of Hawaii, is the great crater of Kirauea, situate about twenty miles from the seashore in the interior. It is thus described in the journal.

'Immediately before us yawned an immense gulf, in the form of a crescent, upwards of two miles in length, about a mile across, and apparently eight hundred feet deep. The bottom was filled with lava, and the south west and northern parts of it were one vast flood of liquid fire, in a state of terrific ebulition, rolling to and fro its "fiery surge" and flaming billows. Fiftyone craters, of varied form and size, rose, like so many conical islands, from the surface of the burning lake. Twentytwo constantly emitted columns of grey smoke, or pyramids of brilliant flame, and many of them, at the same time, vomited from their ignited mouths streams of florid lava, which rolled in blazing torrents, down their black indented sides, into the boiling mass below.

'The sides of the gulf before us, were perpendicular, for about four hundred feet; when there was a wide, horizontal ledge of

solid black lava, of irregular breadth, but extending completely round. Beneath this black ledge, the sides sloped towards the centre, which was, as nearly as we could judge, three hundred or four hundred feet lower. It was evident, that the crater had been recently filled with liquid lava up to this black ledge, and had, by some subterranean canal, emptied itself into the sea, or inundated the low land on the shore. The grey, and, in some places apparently calcined, sides of the great crater before us; the fissures, which intersected the surface of the plain, on which we were standing, the long banks of sulphur, on the opposite side; the numerous columns of vapor and smoke, that rose at the north and south end of the plain, together with the ridge of steep rocks, by which it was surrounded, rising probably, in some places, four hundred feet in perpendicular height, presented an immense volcanic panorama, the effect of which was greatly augmented by the constant roaring of the vast furnaces below.' pp. 130—131.

'Between nine and ten, the dark clouds and heavy fog, that, since the setting of the sun, had hung over the volcano, gradually cleared away, and the fires of Kirauea, darting their fierce light athwart the midnight gloom, unfolded a sight terrible and sublime beyond all we had yet seen.

'The agitated mass of liquid lava, like a flood of melted metal, raged with tumultuous whirl. The lively flame that danced over its undulating surface, tinged with sulphureous blue, or glowing with mineral red, cast a broad glare of dazzling light on the indented sides of the insulated craters, whose bellowing mouths, amidst rising flames, and eddying streams of fire, shot up, at frequent intervals, with loud detonations, spherical masses of fusing lava, or bright ignited stones.

'The dark, bold outline of the perpendicular and jutting rocks around, formed a striking contrast with the luminous lake below, whose vivid rays, thrown on the rugged promontories, and reflected by the overhanging clouds, combined to complete the awful grandeur of the imposing scene.' p. 136.

It is a striking feature of this volcano, that it does not spring out of a mountain, or hill, as is the case we believe in all other parts of the world, but is seated in a comparatively plain country, or rather at the base of the stupendous mountain Mouna Roa. It never overflows its margin, like other volcanoes, but the lava seeks a subterraneous passage, bursting out occasionally at a distance from the crater, and finding its way to the lower country, and even to the sea. The dimensions of this enormous gulf have been more accurately ascertained by Mr Goodrich and

Mr Chamberlain, who have made a recent visit to it. By actual measurement they found the upper edge of the crater to be seven and a half miles in circumference; and at the depth of five hundred feet, they satisfied themselves that its circumference was at least five and a half miles. They judged the depth to be one thousand feet.

Another crater of less size, not far distant from the great one, was seen by the Deputation, and with their glasses they could perceive several extinguished craters on the sides of Mouna Roa. The whole region is volcanic, and the lava in numerous places exhibits itself in most fantastic shapes, rising into cliffs, forming caverns, and presenting a precipitous, rugged, and variegated surface all along the coast. No primitive formations seem yet to have been found on this island, nor any one of the group, and it is more than probable that all these islands have in former ages been raised from the sea by internal convulsions of nature, and that the great mountains have been gradually formed by the accumulated products of volcanic eruptions, which have now ceased to exist, except in the craters above described, which serve as vents to the yet active, but subsiding furnace beneath. The natives speak of earthquakes, and relate fearful traditions of the vengeance of the gods thus exercised. The soil consists of decomposed lava. The height of Mouna Roa has never been accurately measured, but variously estimated from sixteen to eighteen thousand feet, being thus one or two thousand feet higher than Mont Blanc, and five or six thousand higher than the Peak of Teneriffe. Mouna Kea, another mountain in the north east part of the island, is nearly as high as Mouna Roa.

It is not surprising, that such an exhibition of unknown power, as the volcano of Kerauea, should fill the natives with dread, and minister food to their superstitions. *Pele* is the all powerful goddess of volcanoes, and nothing can exceed the terror with which this imaginary being inspires the minds of the inhabitants. It is a rare thing, indeed, for them to visit the great crater, and the Missionaries were admonished on all hands to beware of so dangerous an experiment, as that of approaching this dwelling-place of Pele, and her ministering deities, and thus foolishly hazarding their lives to gratify an unhallowed curiosity. Their guide Makoa, who was sufficiently philosophical and resolute on most occasions, lost all his fortitude here, and utterly refused to accompany them on so perilous an adventure. And even the

natives, whom they persuaded to go with them, were in perpetual alarm, lest Pele should come forth in her anger and consume them. On the borders of the crater they passed the night recounting her wonderful achievements, and those of her attendant deities. 'The conical craters,' they said, 'were their houses, where they frequently amused themselves by playing at *konane;* the roaring of the furnaces, and the crackling of the flames, were the *kani* of their *hura*, the music of their dance; and the red flaming surge was the surf wherein they played, sportively swimming on the rolling wave.' They repeated with minuteness of detail, and consistency of parts, several traditions of the prowess and marvellous doings of Pele; and although no one affirmed that he saw the goddess in her volcanic abode, yet no one doubted she was there, armed with all the attributes, with which their imaginations had invested her.

To show the power of this superstition over the minds of the people, we quote the following account of a singular interview between the travellers and Oani, a priestess of Pele. Mr Ellis had been preaching to a congregation assembled for the purpose, and when he had closed and was about departing,

'An old woman, who, during the discourse, sat near the speaker, and had listened very attentively, all at once exclaimed, "Powerful are the gods of Hawaii, and great is Pele, the goddess of Hawaii; she shall save Maaro," (the sick chief who was present.) Another began to *cantilate* a song in praise of Pele, to which the people generally listened, though some began to laugh. We supposed they were intoxicated, and therefore took no notice of them. But on our leaving the house, some of our people told us they were not *ona i ka ruma*, (drunk with the rum,) but inspired by the *akua*, goddess of the volcano; or that one of them was Pele herself in the form of one of her priestesses. On hearing this, Mr Ellis turned back into the house, and when the song was ended, immediately entered into conversation with the principal one, by asking her, if she had attended to the discourse, that had been delivered there. She answered that she had listened, and understood it. Mr Ellis then asked, if she thought Jehovah was good, and those happy, who made him their God. She answered, "He is your good God, (or best God,) and it is right that you should worship him; but Pele is my god, and the great god of Hawaii. Kirauea is the place of her abode. Ohiaotelani, (the northern peak of the volcano,) is one corner of her house. From the land beyond the sky, in former times, she came." She then went on with a song which she had thus began, giving a long account of

the deeds and honors of Pele. This she pronounced in such a rapid and vociferous manner, accompanied by such violent gestures, that only here and there a word could be understood. Indeed, towards the close, she seemed to lose all command of herself. When she had finished, Mr Ellis told her she was mistaken in supposing any supernatural being resided in the volcano; that Pele was a creature of their own invention, and existed only in the imaginations of her *kahu*, or devotees; adding, that volcanoes, and all their accompanying phenomena, were under the powerful control of Jehovah, who, though uncreated himself, was the Creator and supporter of heaven and earth, and every thing she beheld. She replied, that it was not so. She did not dispute that Jehovah was a God, but that he was not the only God. Pele was a god, and dwelt in her, and through her would heal the sick chief then present. She wished him restored, and therefore came to visit him.' pp. 176, 177.

Again,

'Assuming a haughty air, she said, "I am Pele, I shall never die. And those who follow me, when they die, if part of their bones be taken to Kirauea, will live with me in the bright fires there." Mr Ellis said, "Are you Pele?" She replied, "Yes;" and was proceeding to state her powers &c. when Makoa, who had till now stood silent, interrupted her, and said, "It is true, you are Pele, or some of Pele's party. And it is you that have destroyed the king's land, devoured his people, and spoiled the fishing grounds. Ever since you came to the island, you have been busied in mischief. You spoiled the greater part of the island, shook it to pieces, or cursed it with barrenness by inundating it with lava. You never did it any good. And if I were the king, I would either throw you all into the sea, or banish you from the islands. Hawaii would be quiet, if you were away."

'This was rather unexpected, and seemed to surprise several of the company. However, the pretended Pele said, "Formerly we did overflow some of the land; but it was only the land of those who were rebels, or were very wicked people. Now we abide quietly in Kirauea." She then added, "It cannot be said, that in these days we destroy the king's people." She then mentioned the names of several chiefs, and asked, "Who destroyed these? Not Pele, but the rum of the foreigners, whose God you are so fond of. Their diseases and their rum have destroyed more of the king's men, than all the volcanoes on the island." Mr Ellis told her he was very sorry that their intercourse with foreigners should have introduced among them diseases, to which

they were strangers before, and that he hoped they would also receive the advantages of Christian instruction and civilization, which the benevolent in those countries, by which they had been injured, were now so anxious to impart.' pp. 178, 179.

One more extract shall suffice. It exhibits strong traits of character, and presents a strange contrast to others already alluded to, which might be dwelt upon much more at large. The scene here described would be creditable to the human heart in any state of society; it is the voice of nature calling up her better feelings, and breathing soft tones, that have power to melt the hardened soul even of a savage. Nature is everywhere true to herself, and her original impulses; the only mystery is, that, with such unchanging firmness in some of her characteristics, she should in others be so willing a slave to habit and the force of circumstances.

'We approached Kaimu. This was the birthplace of Mauae, and the residence of most of his relations. He was a young man belonging to the governor, who had been sent with the canoe, and since leaving Honuapo, had acted as our guide. He walked before us as we entered the village. The old people from the houses welcomed him as he passed along, and numbers of the young men and women came out to meet him, saluted him by touching noses, and wept for joy at his arrival. Some took off his hat, and crowned him with a garland of flowers; others hung round his neck wreaths of a sweet scented plant, resembling ivy, or necklaces composed of the nut of the fragrant pandanus. When we reached the house where his sister lived, she ran to meet him, threw her arms around his neck, and having affectionately embraced him, walked hand in hand with him through the village. Multitudes of young people and children followed, chanting his name, the names of his parents, the place and circumstances of his birth, and the most remarkable events in the history of his family, in a lively song, which he afterwards informed us, was composed at his birth.

'Thus we passed along till we reached his father's house, where a general effusion of affection and joy presented itself, which it was impossible to witness without delight. A number of children, who ran on before, had announced his approach. His father, followed by his brothers and several other relations, came out and met him, and under the shade of a wide spreading kou tree, fell on his neck and wept aloud for some minutes, after which they took him by the hand, and led him through a neat little garden into the house. He seated himself on a mat on the

floor, while his brothers and sisters gathered round him. Some unloosed his sandals and rubbed his limbs; others clasped his hand, frequently saluting it by touching it with their noses; others brought him a calabash of water, or a lighted tobacco pipe. One of his sisters, in particular, seemed considerably affected. She clasped his hand, and sat for some time weeping by his side. At this we should have been surprised, had we not known it to be the usual manner among the South Sea islanders of expressing unusual joy or grief. In the present instance, it was the unrestrained expression of the feelings of nature. Indeed every one seemed at a loss how to manifest the sincere pleasure, which his unexpected arrival after several years absence had produced. On first reaching the house, we had thrown ourselves down on a mat, and remained silent spectators, not however without being considerably affected by the interesting scene.' pp. 155, 156.

Having accomplished the objects of their tour, the members of the deputation returned to their several posts. They recommended eight stations on the island of Hawaii, as suitable for the residence of Missionaries. Three of these have since been occupied, namely, Kairua, Kearakekua, Waiakea, the last of which is on the north eastern part of the island, and has a good harbor. Kuakini, the governor of Hawaii, known more commonly by the name of *John Adams*, is friendly to the Missionaries, has built a house for public worship at his capital, Kairua, and encourages their schools. Indeed, no opposition seems now to exist, on the part of the leading chiefs of the islands, and the ultimate and entire success of the Missionaries is not to be doubted.

A great obstacle to their first efforts, ignorance of the language, is conquered. They can now converse with the natives in their own tongue; they have formed the Hawaiian dialect into a written language; books are published suited to the primary instruction of the people, many of whom have learnt not only to read printed books, but to hold correspondence with each other and with the Missionaries in writing. This result alone, if nothing more had been done, would be an incalculable benefit to the Sandwich Islands, and a most important step towards the ultimate civilization of the inhabitants. But to this is to be added the moral and religious effects of the direct labors, and the example of the Missionaries.

In settling the orthography of the Hawaiian dialect, the alphabet was adopted, which had been recommended by Mr Picker-

ing, in regard to the Indian languages of this country.* It answered the end proposed, and when applied to the Hawaiian, it was found to correspond very nearly with the system before pursued, in the dialects of the Society Islands, and New Zealand. We may here take occasion to remark, that five principal dialects of the Polynesian tongue have been discovered, namely, the Hawaiian; the Tahitian, which prevails at the Society Islands; the Marquesan; that of New Zealand; and the Tongatabuan, or that of the Friendly Islands. This is stated in the preface to the Tahitian Grammar, published at Tahiti in 1823, and drawn up by persons, some of whom have been more than twenty years engaged in the missionary service in the islands of the South Sea. It is supposed, that all the dialects of the smaller islands are closely allied to one or another of these. The demonstration is complete, that these five dialects are radically the same language, and hence the importance of adopting at the outset a uniform system of orthography. With such a system, the inhabitants of the different islands, although living several thousand miles asunder, will be able to read, almost without the labor of study, the books written in all the dialects. The importance of constructing a written language on such principles, as will render it intelligible to all the Polynesians, will be forcibly felt, if we look forward to the time, for such a time will come, when the joyful sun of civilization and Christianity shall shine on these wide spread regions; when culture shall have matured the mind and made it an intelligent, acting principle; when men shall inquire, reason, judge, and books be written on art, science, morals, religion, government; when education shall wake the soul to a new life of energy and thought; and when fancy shall weave her magic woof of taste and poetry, and scatter her soft influences in the circles of social life. Let this period arrive, for, we repeat, it will arrive, and the advantages of a written language, constructed after a uniform system of orthography, will be incalculable, not only in affording facilities for reading, but in preserving the dialects from a wider separation.

Seventeen letters of the English alphabet serve to express all the sounds of the Hawaiian tongue, and these are the five

* See Mr Pickering's Essay on a Uniform Orthography for the Indian Languages of North America, published in the *Memoirs of the American Academy of Arts and Sciences.*

vowels, *a*, *e*, *i*, *o*, *u*, and the twelve consonants, *b*, *d*, *h*, *k*, *l*, *m*, *n*, *p*, *r*, *t*, *v*, *w*. The missionaries add, moreover, that five of these might very well be dispensed with, namely, *b*, *d*, *r*, *t*, *v*. The sounds of these letters are sometimes heard, but yet so indistinctly, that they may be supplied by others, that is, *p* may be used for *b*, *l* for *d* and *r*, *k* for *t*, and *w* for *v*.* From these facts is seen what exceeding simplicity prevails in the sounds of the language. To exemplify this statement, in regard to the use of one letter for another, it is mentioned, that when the name of the late king was first printed, it was shown to him in two forms of orthography, expressing the two modes in which it was pronounced, that is, *Rihoriho* and *Liholiho*. When desired to determine, which should be the uniform mode, he decided on the former. The language abounds so much in vowels and liquids, and one sound slides so imperceptibly into another, that it is often difficult to mark the precise shade of difference. In the name of the king, for instance, it would frequently not be easy to tell whether it was pronounced after the first or second mode of spelling. It may be remarked, however, that this indistinctness will gradually disappear, as a written language becomes known, for as each letter has a definite sound, the ear will become accustomed to it, and the organs of speech familiarized to its use.

It is remarkable, that in the Tahitian and Hawaiian languages, every syllable, and consequently every word, ends with a vowel. Whether the same rule is applicable in so great a latitude to the other Polynesian dialects, has not been fully ascertained. No Tahitian can pronounce a word accurately, which ends in a consonant; his voice slides irresistibly into a vowel sound. Thus the names of the Missionaries, Nott and Ellis, were pronounced *Notti* and *Eliki*, the *k* in the latter being substituted for *s*, which the natives cannot sound. Hence, as syllables often begin and always end with a vowel, it is obvious that there must be a perpetual concurrence of vowel sounds, which renders the pronunciation of words hard to be acquired, although each sound is extremely simple in itself. The difficulty consists in making new combinations of sounds already familiar; which is much less, after all, than that of first moulding the organs to new sounds, and then to strange combinations, as must be the case with every Polynesian, who attempts to learn English.

* See *Missionary Herald*, vol. xix, p. 42.

But we have no space here, to enter into an investigation of the grammatical or philosophical principles of these dialects, even if we were adequate to such a task. From a superficial examination, however, it may safely be affirmed, that, compared with other languages, whether ancient or modern, the Polynesian exhibits features novel, curious, and peculiar, distinguishing it by strong marks of difference from every other known tongue. It is not likely, that any other unwritten language exists, which is so widely diffused; and certainly none, spoken by so many distinct tribes of men, and at the same time with so little variation of dialect. The subject is yet in the dark. When its intricacies shall be fully developed, the result will possibly lead to a discovery of the origin of the Polynesian race, and its affinity with the other branches of the human family; and, still further, to the solution of the long agitated problem, the first peopling of the American continent.

As an illustration of the general principles of orthography, which have been introduced, and as an example of the striking resemblance of the different dialects, we quote the following translations. They embrace three of the primary dialects, of which grammars have been formed, namely, the Hawaiian, the Tahitian, and that of New Zealand. The first extract is from the Appendix to the volume we have been reviewing; and the Hymn that follows is taken from a little collection, published three years ago at Oahu, one of the Sandwich Islands. It is a metrical paraphrase, as we understand it, of the closing verses of the one hundred and eighteenth Psalm, from the twentyfourth verse to the end.

Hawaiian Dialect.

Aniani mai ka makani oluolu.	The breeze blows comfortably.
I ke arooke Akua.	The presence of God.
Ehele au e ike ia oukou.	I will come to see you.
Aore nana ia kopalapala eke'rii.	Your letter has not been seen by the king.
Make make maua i ka palapala.	We love the book, or instruction.
Ihoi mai au i ka olelo a ko arii.	I have returned an account of the king's word.
He aroha au ia oe i kou keiki i make ai	I sympathize with you on account of your son's death.
Epale ae i ke Akua i ke arii.	Pray to God for the king.
Aore oukou ehele mai i'au i ora oukou.	Ye will not come to me that ye may be saved.
Iho mai kela.	He came down.

Makou iho olelo maitai a Jehova.	We have recently heard the good word of Jehovah.
Uu ike au a pau roa i ko palapala.	I understood even all your letter.

Hymn.

Ua hiti mai ka la maitai,
Ua hele hou mai kakou nei,
Hoorea ke Arii o ke ao,
Ke Akua nui o kakou.

No ke Akua keia la,
I tabu roa no Kela,
Ko kakou hana waiho nae,
Pela IEHOVA 'papa mai.

E oluolu pu kakou,
Hauoli ko kakou naau,
'Kona hoavi ana mai
Na kakou nei ka Sabati.

Himeni pono 'ku kakou,
Pule me ko kakou naau;
Hoolono 'Kona kanawai,
Ke olelo a Iesu Kraist.

TAHITIAN DIALECT.

The example here selected is from a translation of the Acts of the Apostles, printed at Tahaa, one of the Society Islands, in the year 1823. It is part of the exordium to St Paul's speech before Agrippa. Acts xxvi. 6, 7, 8, 9.

E teie nei no te tiaturi i ta te Atua i parau mai i to tatou hui tubuna ra, i tia'i au nei ma te haavahia mai.

Ta to matou ïa mau obu tino ahuru mapiti i hinaaro ia noaa, i haamori noa'i i te Atua i te rui e te ao: no taua tiaturi ra, e te arii e Ageripa, i parihia mai ai au e te ati Iuda nei.

Eaha i manao ai outou e, e mea tia ore ia faaroo e, e faatia faahou te Atua i tei pohe?

E manao mau hoi to'u i roto ia'uiho *i mutaaiho ra*, e ia rahi to'u patoi adu i te ioa o Iesu o Nazareta ra e tia'i.

And now I stand and am judged for the hope of the promise made of God unto our fathers;

Unto which *promise* our twelve tribes, instantly serving *God* day and night, hope to come: for which hope's sake, king Agrippa, I am accused of the Jews.

Why should it be thought a thing incredible with you that God should raise the dead?

I verily thought with myself, that I ought to do many things contrary to the name of Jesus of Nazareth.

New Zealand Dialect.

This extract is part of a prayer, as contained in Lee's Grammar of the New Zealand Language.

E Jihóva! e Atúa núi koe. Náu te máhinga katóa tánga ki dúnga ki te rángi ki ráro ki te wenúa.

O Jehovah! thou art a great God. Thou hast made all things in heaven above and in the earth beneath.

Pai ráwa tóu e ánga ki te tángata. Náu ra óki te tángata; tóna áha óki, me tóna waidúa óki.

Good indeed is thy work as to man. Man sprung from thee; from thee are his soul and spirit.

E e ára ra óki tátu; waka matára mai koe ta tátu neï e ára! Ko Jízus Kraist ra óki te matára tánga. I te útu ra óki ía mo tátu. I madíngi ai ía tóna tóto e wakára ra óki ki te Atúa, e méa waka 'róha ki a tátu.

We are sinners; do thou put away our sins! Jesus Christ is our Surety. He became a ransom for us. He spilt his blood as a satisfaction to God, and out of love to us.

Ka waka pai átu tátu ki á koe; ka ánga átu. To tátu Atúa ra óki koe; é ara te Atúa átu mo tátu. Náu ra óki i tóno mai ai táu Tamaiti ki te A'o nei ki a óra ai tátu.

We praise thee; we cleave to thee. Thou art our God; we will have no other God. Thou didst send thy Son into the world to save us.

Upon a first examination of the above examples, it would seem that, in the New Zealand dialect, there is an exception to the general rule, which makes every syllable end with a vowel. We have, for instance, *tangata*, 'man,' and *madingi*, the syllabic division of which words appears to take place between consonants. But this may be in appearance only. The letters *ng*, coming before a vowel, prevail in large classes of New Zealand words, where they probably express nothing more than a simple sound partaking of the two letters, and not to be conveyed by any single character in the English alphabet. The above words may then be divided *ta-gna-ta*, *ma-di-gni;* and the same also of *ngo-ngi*, 'pure water,' *ngu-ngu*, 'stooping,' and numerous others. *Nga* is used to denote the plural of nouns; as, *matua*, 'a parent,' *nga matua*, 'parents.' We have seen no instance of this combination of letters in the Tahitian or Hawaiian dialects, but it exists in the Tongatabuan, as the word itself indicates.*

* The Polynesian words are commonly short, seldom extending to more than three syllables. Nor does the tendency to verbal combinations prevail, which our philologists have discovered in the languages of the North American Indians. An exception must be made, however, as to the names of some of the gods, which partake strongly of the

The Missionaries are now engaged in translating the New Testament into Hawaiian, but they complain of the difficulty of the task by reason of the multitude of words in the Greek, for which there are no corresponding terms in Hawaiian, and representing things of which no native has any ideas. They instance *faith*, *holiness*, *throne*, *dominion*, *angel*, *demoniac*, as words of this sort, and add, that 'the natives call an angel either an *akua*, a god, or a *kanaka lele*, flying man.'* One thing has struck us with a good deal of force, in looking over the translations that have come into our hands, which is, that the word *God* is rendered by *atua*, as it is pronounced in New Zealand and the Society Islands, or *akua*, as heard in the Hawaiian dialect. This will be seen in all the examples quoted above. Now this word is used, as far as we can learn, throughout Polynesia, to express imaginary heathen deities, without any definite application to deities of a particular character, dignity, or influence, but to every species of imaginary beings, whether good or bad, and much more commonly the latter. Indeed, from such accounts as have come to us, the impression is strongly left on our minds, that the *atuas* are almost universally considered as ministers of evil, the objects

character of Indian proper names. The following are appellations of deities. Hiatataaravamata, *quick glancing eyed cloud holder;* Hiatawawahilani, *heaven rending cloud holder;* Kaneruruhonua, *earth shaking Kane;* Makorewawahiwaa, *fiery eyed canoe breaker.* These words will remind our readers of the long catalogues of Indian names, similarly compounded, which constitute the signatures to Indian treaties. For example, Ootaujeaugenh, *broken axe;* Tioohquottakauna, *woods on fire;* Soggooyawauthau, *red jacket;* Kaujeagaonh, *heap of dogs;* Hombahagren, *fine day;* Cageaga, *dogs round the fire;* Tekakisskee, *taken out of the water.*

But yet they do not reach to such a length as certain Indian words, which came under the notice of Cotton Mather, and which that author somewhat facetiously observes, 'one would think had been growing ever since Babel unto the dimensions to which they are now extended.' He adds, 'for instance, if my reader will count how many letters there are in this one word, *Nummatchekodtantamooonganunnonash*, when he has done, I, for his reward, will tell him, it signifies no more in English, than *our lusts;* and if I were to translate *our loves*, it must be nothing shorter than *Noowomantammooonkanunonnash;* or, to give my reader a longer word than either of these, *Kummogkodonattoottummooetiteaongannunnonash*, is, in English, *our question.*' Magnalia, Book III. At this point the author abruptly leaves the subject, and the separating of these words into their component elements, must be the task of profounder philologists than ourselves.

* *Missionary Herald* for September, 1825, p. 275.

of terror, whose agency is to be dreaded. We would ask, if it is not an essential mistake to represent the Supreme Being by a term conveying such ideas, and whether old impressions will not adhere so closely to the name, as to embarrass the natives exceedingly, in their attempts to gain a correct notion of the true God? To us this appears probable, and we see no good reason, why the words denoting the Supreme Being in the Bible should be rendered by the names of heathen deities, more than by words of any other import. Is it not better to employ a term, which has no prescriptive meaning to the natives, and to which is to be attached a set of new ideas? In this case you have only to sow the seed, but in the former, you must first submit to the infinitely more laborious and troublesome task of clearing away the rubbish, and preparing the soil. Why should not the word *Jehovah* be used invariably, as it is in some instances, to signify the Supreme Being? Other words, such as *God*, *Lord*, when they do not mean the same as Jehovah, and also *angel*, *spirit*, may preserve their original Greek orthography, so far modified as to admit of an easy pronunciation by the natives. We venture these remarks with deference, but we deem the subject to be of no little importance, and one which demands the very serious attention of the Missionaries, in the first stages of their labors. The main thing is to find out the shortest and plainest road to truth, and to remove at the outset every stumblingblock, which may contribute to increase confusion and perpetuate error. The great apostle to the Indians, Eliot, was in our opinion more judicious. In his translation the names of the Deity are preserved as in the English Bible. The prominent words in the title page of his Indian Bible are *Up Biblum God*, meaning, we suppose, the Book of God. Sometimes he uses the word *Jehovah*, where in the English it is *Lord* or *God*, but we have discovered no instance in which he employs the names of the heathen deities to denote the Supreme Being.

It has been a theory, in which geographers and philologists have universally concurred, that the Malayan and Polynesian languages were from the same stock, or rather that the latter was only a branch of the former. The investigations of the Missionaries have shown this theory to have no foundation in fact, and that few languages are more diverse in their radical principles. The theory, that the Polynesians migrated from Asia, or the Asiatic islands, falls at the same time to the ground. It is quite as likely that the Asiatics are emigrants from Polyne-

sia, and whoever pursues the subject, with the degree of knowledge that at present exists upon it, we apprehend will find himself in a circle. That our readers may form some comparison between the Malayan and Polynesian, as they affect the eye and ear, we shall here quote in the Roman character a passage of Malayan poetry, as we find it in Marsden's Grammar of the Malayan Language.

Kuda putith etam kuku-nia Akan kuda sultan iskander Adenda etam baniak chumbu-nia Tidak bulih kata iang benar.	'A white horse, whose hoofs are black, is a horse for Sultan Iskander; my love is dark, various are her blandishments; but she is incapable of speaking the truth.'
Burong putih terbang ka-jati Lagi tutur-nia de makan sumut Biji mata jantong ati Surga de-mana kita menurut.	'A white bird flies to the teak tree, chattering whilst it feeds on insects. Pupil of my eye, substance of my heart, to what heaven shall I follow thee.'

With what immediate success the Missionaries will meet, in communicating religious impressions, cannot be with certainty predicted. A few highly encouraging examples have already occurred, among which may be reckoned that of Keopuolani, the late queen. That all the notions of heathenism can be at once removed, and their place supplied by a pure christian faith, is too much to expect. The generation now on the stage must ever be very dark minded christians at best; yet the Hawaiians are a docile people, and they may doubtless be made to understand some of the doctrines, as well as the moral precepts and injunctions of the Scriptures. But the brightest harvest is in a future season, when the children of the schools shall go out into society, with minds properly stored, and habits rightly trained. Much has been done in the Society Islands, during the thirty years since the Missionaries first visited them. Wars have ceased, the horrors of a shocking barbarism have vanished, mild governments are established, the arts of civilized life are eagerly cultivated, stated religious worship is kept up in many places, and, according to the best accounts, it is hardly too much to say, that this region, so lately sunk in the deepest gloom of a savage heathenism, is now a christian land. Schools are planted in the villages with native teachers, reading and writing are common attainments, and books are written, printed, circulated, and used. These are noble achievements, and they have been made, let it be understood, by the sole efforts of the Missionaries, whose sacrifices and sufferings have been greater than can be well imagined,

but whose constancy has borne them through to the end. In their success they have a rich reward.

We may safely expect as rapid and complete success, from the American Missionaries at the Sandwich Islands. They receive protection, and even encouragement from the chiefs; about one thousand children attend their different schools; houses for public worship are erected, some of them at the expense of the chiefs themselves, and a good degree of attention is paid to the religious services. It is impossible, that such a system of instruction should not work its way into the thoughts and habits of the people. The king, Rihoriho, who died in England, was friendly to the Missionaries, and bestowed his patronage, but his death has caused no perceptible change in their condition. Karaimoku, the present ruling chief, who, for his talents as a politician and statesman, is familiarly called *Billy Pitt* by foreigners, has from the beginning favored their objects and is still their firm supporter. He had himself been their pupil in learning to read and write, and he speaks the English language; as does also Kuakini, otherwise *John Adams*, governor of the island of Hawaii. This is a rare accomplishment, as few will apply themselves to the severe labor of learning a new language, although they are eager to acquire the knowledge of reading and writing their own.

Six years ago the language of these islands was a fleeting sound, existing only in the mouths of the natives; it is now a written, unchanging vehicle of thought, suited to communicate ideas to the people, which they had before no power of attaining. The advantage of this single improvement in their condition is not to be estimated. Vessels belonging to the natives, and manned wholly by them, ply regularly from one island to another, and it is rare that they do not convey letters. 'This writing is a wonderful thing,' said a chief to Mr Ellis, when he had just finished reading a letter from his sister on another island; 'formerly my sister would entrust her message to a third person; before he reached me he would forget half that was told him, and divulge the other half; now she writes it on paper, and it is as if she whispered it in my ear.' The benefits of commerce begin to be understood. Rihoriho sent a cargo of salt to Kamtschatka, which yielded a profitable return. Karaimoku afterwards fitted out a brig, belonging to himself and the young princess, on a sealing voyage, which produced twelve thousand dollars. Tamahameha once sent a cargo of sandal

wood to Canton on speculation, probably by the recommendation of foreigners, but the voyage proved unsuccessful, and he never renewed the enterprise. The state of things has since changed, and it will continue to change, and the work of civilization will go forward. The different branches of human improvement will act reciprocally upon each other, intelligence will spread and be an excitement and a guide to industry, and, in process of time, laws, morals, religion, and social order will be established, and the blessings of civilized life secured.

ART. V.—*A Treatise on Christian Doctrine, compiled from the Holy Scriptures alone.* By JOHN MILTON. Translated from the Original, by CHARLES R. SUMNER, M. A. Librarian and Historiographer to his Majesty, and Prebendary of Canterbury. From the London edition. 2 vols. 8vo. Boston. Cummings, Hilliard, and Co. 1825.

IT is a general axiom in literary history, that a work is to be ascribed to the author whose name it bears, unless there are strong circumstances to excite suspicion of fraud. But this axiom is founded in the supposition, that the work gains some publicity during the author's lifetime, or that it comes to light soon after his decease. In the present instance, therefore, a century and a half having expired since the death of the supposed author, it is not unreasonable to demand the proofs of the authenticity and genuineness of the work. Of these proofs we shall endeavor to give the substance, as we gather them from the translator's 'preliminary observations.'

It appears from the statement of Mr Lemon, deputy keeper of the state papers of the king of England, that Milton retired from active, official employment as secretary for foreign languages, about the middle of the year 1655; and it is mentioned by several of his biographers, that after he retired from public business, among other literary enterprises, he commenced the composition of a body of divinity, compiled from the Holy Scriptures. This, says Wood (*Fasti Oxonienses*), is, or was lately in the hands of Cyriack Skinner. The same fact is mentioned by several others, and fully established. It remains therefore to be shown, that the original of the present work is

the same treatise, which has been so often mentioned, and which, before its recent discovery, had generally been supposed to be lost.

In the latter part of the year 1823, a Latin manuscript, bearing the title, *Joannis Miltoni Angli de Doctrinâ Christianâ, ex Sacris duntaxat Libris petitâ, Disquisitionum Libri Duo Posthumi*, was discovered by Mr Lemon, while he was searching in the old state paper office, Whitehall. 'It was found,' says Mr Sumner, 'in one of the presses, loosely wrapped in two or three sheets of printed paper, with a large number of original letters, informations, examinations, and other curious records relative to the Popish plots in 1677 and 1678, and to the Rye House plot in 1683. The same parcel likewise contained a complete and corrected copy of all the Latin letters to foreign princes and states, written by Milton, while he officiated as Latin Secretary; and the whole was inclosed in an envelope superscribed, To Mr Skinner, Merch^t.' This Skinner was a favorite pupil, and afterwards a personal friend of Milton.

In what way this manuscript was deposited in the state paper office cannot be determined with certainty, from the investigations of the translator. It is a conjecture of Mr Lemon, that Cyriack Skinner, from his well known republican principles, might have been suspected of partaking in some of the political conspiracies, which prevailed during the last ten years of the reign of Charles the Second, and that his papers were consequently seized. On this supposition, the manuscript of Milton, which had so long been supposed to be lost, would have come into possession of the principal secretary of state for the southern, or home department; in which case, as the secretaries of that period bequeathed their voluminous collections of manuscripts to his Majesty's state paper office, it was there securely deposited. Without going further into detail, we shall leave the history of the manuscript with this general view, considering it as a fact established beyond any reasonable doubt, that Milton was its author.

It is easy to account for his undertaking a treatise of this kind. His father intended that he should be educated for the church, and at an early period of life he gave full demonstrations of the interest he took in religion. But connected as were the affairs of church and state at that period, it was impossible that one who had any strong republican tendency, should bear any good will to episcopacy. In correspondence with his poli-

tical principles, Milton imbibed, in common with the Puritans, such notions of discipline and church polity, as precluded one, distinguished like him by independence of character and thinking, from swearing by any master. Or, as he himself expresses it, 'Coming to some maturity of years, I had seen what tyranny pervaded the church, and that he who would take orders, must subscribe slave, and take an oath withal, which, unless he took with a conscience that could retch, he must either strain, perforce, or split his faith; I thought it better to prefer a blameless silence, before the office of speaking, bought and begun with servitude and forswearing.' He was indeed no less remarkable for freedom of speech, than that of thought; and in his travels in Italy we are told, that he fearlessly vindicated his religious principles, at the very seat, and almost in the presence of the papal power. After his return from his travels, which were of short duration, he employed himself in teaching a few scholars. And this might have been the commencement of his Treatise on Christian Doctrine; for it was his custom to instruct his pupils every Sunday in religion, dictating a short system collected from writers then fashionable in the Dutch Universities. The principal authors whom he is said to have consulted, were Ames and Wollebius; and there are traces of both in the Treatise now published.

The manuscript is not all in the same hand writing. Nearly half of the Treatise is in a small and beautiful Italian hand, and though evidently transcribed with great care, is by no means free from mistakes; for compared with the remaining part, the errors are as fourteen to one. Mr Lemon, whose knowledge of the handwritings of the period when the manuscript was written, is said by Mr Sumner to be very extensive, pronounces the part that is so carefully transcribed to be in a female hand, and thinks it that of Mary, the younger daughter of Milton. The last and larger part is in a very different hand, supposed by Mr Lemon to be that of Philipps, nephew of Milton. The numerous corrections and interlineations of this part are in two distinct hands, different from the body of the manuscript; but it is confidently believed, that most of them were written by the person who transcribed the first part of the Treatise. If Mr Lemon's opinions concerning the handwriting in the manuscript be well founded, we have additional evidence of the authenticity of the work.

We have compared Mr Sumner's translation with the original

so far as to be satisfied of his fidelity, and as to its style we have no objection to make. The coincidences which he has industriously pointed out in the notes, between thoughts and expressions throughout this treatise, and those in the printed works of Milton, both in his poetical and prose writings, are frequently striking, and might have been mentioned among the strongest proofs of the authenticity of the Treatise.

Milton's introduction to his Treatise, which begins with a salutation to all who profess the Christian faith throughout the earth, describes, we have no doubt honestly, the state of mind in which the work was composed. It breathes the same spirit of independence, which everywhere pervades his political and ecclesiastical writings, while at the same time it is free from their polemical zeal and sarcasm. He acquainted himself with the prevailing systems of theology, and was dissatisfied with all; and while reading the bible in the original languages, it was his practice to class under different heads, such passages of Scripture as he might afterwards have occasion to use. It seems that his original intention was to compile a manual for his own use, which he might always have at hand; and he speaks hypothetically of communicating the result of his labors to the Christian world. But in case he should publish his Treatise, he claims for it all the indulgence which is shown to scholastic systems of theology, since he everywhere takes the broad Protestant ground, asserting the sufficiency of the Scriptures, and acknowledging no other tribunal.

It is not our purpose to show the truth or error of the doctrinal views of this Treatise in general. Wedded to no system in theology, either in regard to the dogmas or ceremonial observances of the Christian church, the author, in his views, will satisfy no party, as a whole, though all will regard the results with some interest, as proceeding from a great mind, a mind distinguished by independence, to a degree remarkable at the period when the work was written. On many of the controverted points, he appears to belong to the orthodox school, particularly on the effects of the fall of our first parents, and on the atonement. But the Calvinistic doctrines are not brought together by a metaphysical concatenation, and they are everywhere accompanied with the heartiest defence of free, moral agency; so that, if God decrees every thing, yet when his decrees affect moral agents, they are attended, according to his theory, with a condition.

All our readers, probably, have learned before this time, that Milton was a Unitarian; or at least that he was not, in any acknowledged use of the term, a Trinitarian. Though in some of his earlier poetical writings his belief in a Trinity is strongly implied, yet some, who have been curious to discover his theological opinions from his Paradise Lost, and Paradise Regained, have suspected, not without reason, his antitrinitarian bias. In the work before us, his views are so clear and explicit, that they cannot be misunderstood. He denies both the self existence and the eternal generation of the Son, while he admits, in the strictest sense of the words of Scripture, all that relates, or seems to relate, to his preexistence. He is not appalled by those passages, even if the readings are all genuine, which speak of Jesus Christ as God, or ascribe to him any of the attributes of the Deity; considering the appellation and the attributes as applied to him always in a subordinate sense. The arguments by which he opposes the commonly received doctrine, both from reason and Scripture, are stated in their full strength, and, except for the infinite variety of illustration they admit, are nearly exhausted. But, as we remarked before, it is not our design to enter into any of the common controversies on Christian doctrine, which divide the church. There are in this Treatise other speculations of a different kind, some of which are on subjects very abstruse and almost intangible, and some on subjects either curious or uncommon, which have nothing to do with the distinctions of orthodox and heterodox, or liberal, as the words are now understood.

It may not be unwelcome to our readers to have some account of the author's notions concerning *Creation*. It is, we should think, the general belief, that God is purely a spiritual being, and that the world was created by him out of nothing. Notwithstanding the corporeal terms made use of, particularly in the Old Testament, when Deity is the subject of discourse, besides the difficulty of conceiving of a being without the aid derived from imagining material parts, still there is an abstract belief of existence independent of matter, and of power by which matter is created. But here arises the difficulty which the philosophic mind experiences in conceiving of a creation out of nothing; a difficulty which has driven some into atheism or Pantheism, and others into the belief that the world was created not only *by* God, but *of* God. It has been maintained by some divines, that the Hebrew word translated *create*, in the Mosaic

history, means producing out of nothing. But this is a mere inference from their preconceived notions. We do not affirm, that the exigency of the case may not require this restriction in the meaning of the term; but it is certain, that the usual meaning is to fashion or alter, to make or to form in any way. Milton believes neither that matter was created out of nothing, nor that it had an independent and eternal existence; consequently he maintains that there is but one solution of the difficulty, namely, that all things are of God.

'There are,' says he, 'four kinds of causes, *efficient*, *material*, *formal*, and *final*. Inasmuch then as God is the primary, and absolute, and sole cause of all things, there can be no doubt but that he comprehends and embraces within himself all the causes abovementioned. Therefore the material cause must be either God, or nothing. Now nothing is no cause at all; and yet it is contended that forms, and above all, that human forms were created out of nothing. But matter and form, considered as internal causes, constitute the thing itself; so that either all things must have had two causes only, and those external, or God will not have been the perfect and absolute cause of everything. Secondly, it is an argument of supreme power and goodness, that such diversified, multiform, and inexhaustible virtue should exist, and be *substantially* inherent in God (for that virtue cannot be *accidental*, which admits of degrees, and of augmentation or remission, according to his pleasure), and that this diversified and substantial virtue should not remain dormant within the Deity, but should be diffused and propagated, and extended as far and in such manner as he himself may will. For the original matter of which we speak, is not to be looked upon as an evil or trivial thing, but as intrinsically good, and the chief productive stock of every subsequent good. It was a substance, and derivable from no other source than from the fountain of every substance, though at first confused and formless, being afterwards adorned and digested into order by the hand of God.' Vol. I. pp. 238, 239.

This theory is considered by the author consonant not only with reason, but with Scripture. It is grounded in the supposed impossibility of Creation in the commonly received sense of the word; and therefore it is intended only to deny what in its very nature is deemed incredible. Hence it is that he declares so plainly what has been less directly intimated by other theologians, that creation is not strictly the production of existence of any kind from nothing, but from the boundless fullness of the self

existent Being himself. In correspondence with this kind of mixture of the spiritual and material, some of the thoughts and expressions of the author concerning the conceptions that we may form of Deity, seem to approximate too nearly to *anthropomorphism.* Such kind of representations may be expected in poetry, and they are found sufficiently prominent in the great poem of our author. But it seems this was not with him a mere poetic license, helping out the machinery of his great Epic. His principle on this subject is, that it is safest to form such a conception of God, as shall best agree with the representations he has given of himself in the sacred writings. Passing over what he says of grief, anger, repentance &c, as referring to God, we come nearer to what we have alluded to above, when he speaks of the form and parts attributed to Deity.

'If God,' says he, 'be said to have made man in his own image, after his likeness, and that too not only as to his soul, but also as to his outward form, and if God habitually assign to himself the members and form of man, why should we be afraid of attributing to him what he attributes to himself, so long as what is imperfection and weakness, when viewed in reference to ourselves, be considered as most complete and excellent, whenever it is imputed to God.' Vol. I. pp. 22, 23.

There can be no doubt that when the attributes of God are represented by the aid of sensible objects, as his *power* by an outstretched arm, his *omniscience* by his eyes being in every place, and the like, it is done for wise purposes, to give us some faint notions of his perfections. But we cannot but agree with those divines, who consider such representations as merely auxiliary, or illustrative, and not intended to be associated with our purest and most intellectual conceptions of the invisible Jehovah. Some of the most sublime descriptions of his attributes and Providence, in the prophetic writings, are conveyed through the instrumentality of sensible objects, which are made to give us more lively and exalted impressions of them, than we should derive from purely abstract notions; but it is, as it were, merely a dense medium, through which we see something darkly, and magnified to an immeasurable extent. And the more we can rid ourselves of what is merely sensible, the nearer we shall approach to the idea of God, which the Scriptures, in their general tenor, aim to convey; namely, of a perfect, invisible spirit, requiring a true, spiritual worship.

Of the author's opinions concerning what the Christian Scriptures do or do not teach, in regard to marriage, and to the institution of the Sabbath, we shall not speak particularly. It is enough to say, that while Christians are divided into an infinite variety of sects on other subjects, they are sufficiently well united on these. The usage in each particular might have been well understood by the immediate disciples of Christ, and have been sanctioned by his authority, and yet not have been subjects of express instruction, or of historical record. And if we advert, in this connexion, to the immemorial practice of the Christian Church, it seems to us that all grounds of scepticism concerning marriage, and the observance of a stated Sabbath, as both are now regarded, are sufficiently removed. If Christianity was intended to serve the highest moral purposes, which no true believer can doubt, it could never have sanctioned polygamy, so destructive as it would be of all the purest virtues that grow out of the domestic relations. And if it was intended for a perpetual religion, which is alike unquestionable, it would not have overlooked a principal means of its own preservation.

There is one other subject to which we shall advert for a moment, before we close our remarks, and that is to the author's opinions concerning *Death*.

'The death of the body is the loss or extinction of life. The common definition, which supposes it to consist in the separation of soul and body, is inadmissible. For what part of man is it, that dies when this separation takes place? Is it the soul? This will not be admitted by the supporters of the above definition. Is it then the body? But how can that be said to die, which never had any life of itself? Therefore the separation of soul and body cannot be called the death of man.' Vol. I. pp. 362, 363.

After discussing the subject, and examining the texts of Scripture relating to it at considerable length, he concludes with the explicit declaration of his belief in the death of the whole man, and his remaining in unconscious rest to the day of the resurrection and final judgment. In all this there is the same tincture of materialism, that we have noticed before. But while we have not room to follow him in the arguments, which he deduces from Scripture and philosophy, till he comes to the fearful result of all his reasoning; yet we think there are instances enough in the New Testament to encourage us in the belief, that when the frail body returns to the dust from whence

it came, the spirit will return to God who gave it. The doctrine maintained by Milton is not, indeed, so overwhelming as that of total annihilation; but it reminds us of that passage in his Paradise Lost, in which even infernal spirits cannot contemplate the extinction of being without horror. And amidst the greatest afflictions of our mixed condition, when wholly submissive to the will of God, we should be with difficulty reconciled to the loss of existence, for we know not how many ages.

> 'To be no more; sad cure! for who would lose
> Though full of pain, this intellectual being,
> Those thoughts that wander through eternity,
> To perish rather, swallowed up and lost
> In the wide womb of uncreated night,
> Devoid of sense and motion?'

Though we are aware, that we have distorted this passage from its intended application, yet it is so far applicable to the case before us, that it presented itself to us uncalled for. On such a solemn subject we are not disposed to dogmatize; but since death is not the final extinction of being, we cannot believe, without being expressly taught so, that it is a long suspension of existence, limited only by the remote (we know not how remote) consummation of all things here upon the earth.

We have seen some contemptuous expressions concerning this Treatise of Milton; much more contemptuous than, from our examination of the work, it seems to deserve. The mere biblical critic may not value it highly; the mere metaphysician may not value it highly; but one who is fond of comparing Scripture with Scripture, and finding what is taught by its general tenor, rather than what seems to be taught in a few detached passages, will have no inconsiderable respect for it. For upon every subject is cited a great collection of texts, as proofs, not indeed always apposite, but in general so many texts, and so much that is apposite, as, one would think, almost to exhaust this species of proof. This will save the theologian, who is examining the same subjects, much expense of time, in turning over the leaves of his concordance, and present to him in a train, all that he would seek for. In applying and weighing the value of texts, he may often have occasion to differ from the author; but this makes no greater deduction from the merits of the work, than is to be expected in such a mass of extracts, under the various subjects. In reasoning from Scripture, or from the sug-

gestions of his own mind, he seems for the most part free from a contentious spirit, and an overweening fondness for his own opinions. If we are disappointed, on the whole, that so great a man in the poetical world, and one so distinguished by his political writings, is not also first among theologians, it is a disappointment arising from the unreasonableness of our expectations.

ART. VI.—*Memoir of the Life of Richard Henry Lee, and his Correspondence with the most distinguished Men in America and Europe, illustrative of their Characters, and of the Events of the American Revolution.* By his Grandson, RICHARD H. LEE, of Leesburg, Virginia. Philadelphia. 1825.

IT has been said, that we of the North are prone to laud our own men and things. This is probably true, since, if we had not this disposition, we should form an exception to one of the most general laws of human society. Beginning with the first natural combination, the family (the only natural one according to Rousseau), and ascending to kingdoms and empires, a disposition to boast may always be traced, where it is not controlled by some stronger passion. In this country, our peculiar political organization has set two forms of this vanity in occasional opposition to each other. The disposition to laud certain things, which we might cherish simply as Americans, is controlled and modified by our State partialities. We are sometimes afraid to speak in unqualified terms of those, who are only our countrymen, lest we should do injustice to the paramount claims of those, whose reputation may be the pride of the individual State to which we belong.

For ourselves, we are not inclined to censure the operation of the latter feeling. We are disposed to be very indulgent, not only to the New Englander, who derives all that there is valuable, in American institutions, from the principles of the Pilgrims, and to the Pennsylvanian, who proposes the founder of his commonwealth as the perfect model of a legislator; but also to the Virginian, who believes that but for Patrick Henry the spark of the Revolution would never have been struck out, and to the

Bostonian, who is equally confident, that when James Otis made his argument against writs of assistance, American liberty began to be. We esteem all this both honorable and natural. If it be worth while to take any distinctions on this subject, as we shall probably not be suspected of any factious intention, we would say, that the State feeling is one of deeper growth in this country, than any which connects itself with our general existence as a nation. Some of our politicians, as it has suited either their immediate interests, or has been dictated by their general views, have taught that the State feeling should be repressed as pernicious.* We doubt this extremely, either as possible or desirable. It is true, that our national existence is every day gaining in that veneration, which time alone confers; but it is equally true, that, at present, our strongest historic recollections belong to us as States; for when we boast of our great revolutionary characters, we boast of them, not so much as Americans, but as citizens of the commonwealth to which we belong. Destroy the local tie, which binds together the people of each State, and the Union would not survive a day. We repeat, that, in enthusiastic attachment to our happy Union, we are exceeded by none who enjoy its blessings. But so far is it from being true, as was urged in the ardor of debate, in the federal Convention, by the advocates of a more perfectly consolidated system, that the States are metaphysical, ideal existences, that we should rather maintain the contrary. The Union, comparatively speaking, is the metaphysical and theoretical thing. Like the illimitable city, where its central point is fixed, it yet looks raw and new. Its operation is occasionally sharp and harsh; it wants the feeling of age. But the States, at least the thirteen States, come home in a different way to the hearts of their citizens. They are not metaphysical, they are historical beings. The family feeling binds their parts together. The seat of power is in their bosom. Every village sends its representative to the council fire, which is thus connected by a living tie to the firesides of the people.

But for the very reason, that the State feeling has this foundation in nature, it is becoming the philosophic patriot to be ready to apply the proper corrective to its excess. Nothing ought to be a more constant object of attention to him, than to promote

*'Every thing that tends to strengthen the peculiar and exclusive feelings of State pride and sectional prejudice inevitably weakens the bonds of the Union.'—*Report of a Select Committee for Amending the Constitution, December 22, 1823.*

with fond care, the harmonious action upon each other of the parts of that most curiously complicated machine, which is formed out of the combination of our State and national institutions, and which constitutes the most extraordinary phenomenon in the political history of man. For this reason, we esteem it the duty of every true friend of his country's welfare among us to be most prompt and cordial in doing justice to the reputation of the distinguished characters of every State in the confederacy. However natural and however commendable the zeal of bearing testimony to the worth of which our own State has been the cradle and the stage, we ought to study with delight the honorable annals of our sister communities, and pay a hearty tribute to all we find in them of heroism and wisdom, in the field and in the cabinet. This is the dictate not less of justice than of magnanimity; for, after all, the great deeds and the great men of earlier or later years, to which the United States are indebted for their present prosperity, are not so confined to any one quarter, that the aid of all others could, in any degree, have been dispensed with.

In regard to revolutionary merits, a great and honorable controversy has been waged between Virginia and Massachusetts—now both of them somewhat declined from their former preeminence in numbers and power—then the leading States of the Union. But it ought, we think, to be conceded on both hands, that in the stern struggle for our liberties, the contest at the time was not so light and promising, that the voice or the arm of one of our champions could have been spared. Every man was essential. Every one, who served his country, did it precious service. There was no such superabundance of power, on our side, that it is fair to divide services into those, which were essential, and those which were subsidiary; into those, with which the cause could have dispensed, and those, without which it would have suffered shipwreck. The humble sexton, who lighted the lamps in Christ Church steeple, on the night of the eighteenth of April; and the honest rustics, who defeated the treacherous project for the surrender of West Point, may, in the series of events, have rendered services as important, as those of Brooks when he leaped the entrenchments at Saratoga, or Lafayette when he stormed the lines at Yorktown.

It is one of the characteristics of a crisis like our Revolution, that it produces an astonishing developement of talent and resource, among all classes of the community. It not only stimu-

lates the energy of many cultivated minds, but it elevates out of common life innumerable individuals, who, in more tranquil periods, are lost to all but the duties and calls of physical existence. This is the admirable resource, with which Providence provides a family of its children, whom it designs to raise up into an independent and prosperous people. They are commonly doomed, through much tribulation, to enter into the heaven of liberty and right. An exceeding sharpness of oppression, either in principle or fact, must drive them to resistance; and strong agonies of privation, of effort, of perplexity, and of care must bind their wandering counsels and divided interests into a band of strength and fortitude. Their leaders must sacrifice all the calm enjoyments and safety of home, and embark on a most troubled ocean of affairs with the gibbet in view; the poor soldiers must march with bleeding feet over icebound fields of disaster; and all the ordinary paths of life must be shut up before the rising generations of both sexes. The great and almost fatal calamities of such a state of things are no doubt the immediate cause of that astonishing developement of energy, both in deed and counsel, which marks a great political crisis, and which marked our revolutionary era more signally perhaps than any other in history. It certainly would not have been in the power of all the cabinets and armies of Europe, at that period, to show more business talent of the first order, than was displayed in these then insignificant colonies. The honorable testimony which Lord Chatham bore to the character of the state papers, which came from Philadelphia, was equally due to our military organization, considering the poverty of our means, and to our diplomatic negotiations, considering our political weakness. Neither is it fair to set all this down to the mere redeeming influence of the purity and disinterestedness of character of the men of those days. That generation, like this, was human, was frail. We had parties; we had narrow interests; we had traitors. And the revolution was brought about by the steady, businesslike efficiency of a host of able men, formed by the exigency of the times, seizing with wonderful aptness the right way of doing things; struggling against all kinds of obstacles, and finally conquering, not as the heroes of romance do, by the interposition of miraculous power, but by the superiority of wisdom, fortitude, and resource.

If, in this harvest of great men, all parts of the country were not equally productive, none was signally barren; and the just

rights of none to the gratitude of posterity ought to be undervalued. Delicacy and generosity, moreover, require that the tribute of praise should be fully and handsomely bestowed, beyond the circle of State partialities, and that we should even exercise a patriotic curiosity in asking, who were great men in other States, that sat in council with our own fathers. The time is peculiarly appropriate for this exercise of liberality. The period of commemoration has now arrived; and every year is bringing forth some literary monument to distinguish revolutionary desert. Not to mention several less conspicuous works, the Life of Franklin by his Grandson, of Patrick Henry by Wirt; that of James Otis by Tudor, that of General Greene by Judge Johnson, that of Josiah Quincy Jun. by his Son, may all with various degrees of merit be named as most honorable memorials of the great men they respectively celebrate. Similar works, we understand, are in preparation to commemorate the character of Samuel Adams and his copatriot Gerry; and a life of Alexander Hamilton has long been impatiently looked for.

Among the works of this class, that which is now before us deserves very honorable mention; The Life of Richard Henry Lee by his Grandson. The short dedication of the work of itself establishes the right of the subject of it to immortality among men.

'To Thomas Jefferson, John Adams, and Charles Carroll, surviving signers of the Declaration of Independence, the Memoir of the Life of Richard Henry Lee, *the Mover* of the resolution in Congress, on the seventh of June, 1776, "That these United Colonies are, and of right ought to be, free and independent States," is most respectfully dedicated.'

What a motion! And what a triumph of modern civilization, that a measure like this, a proposal to sever an empire, to erect an independent government over a vast region, on a continent where the word of independence had never been uttered, should have been calmly brought forward and deliberated in parliamentary rule, like an ordinary political question. Henceforward let us despair of nothing desirable for humanity, merely because it is unheard of, in the former history of man. Let us turn to the history of this motion, and hope for the time when all the great interests of nations shall be not only moved and suggested, but pursued, matured, and adjusted by negotiation and friendly compromise, without the barbarous resort to arms.

We cannot better fulfil the task of taking a proper notice of

this work, than by compiling from it a brief account of the life and services, which it so ably commemorates.

Richard Henry Lee was the son of Thomas Lee, of Stratford, in the county of Westmoreland in Virginia, and was born on the twentieth day of January, 1732, being consequently about a month older than General Washington. His ancestors were among the first settlers of Virginia, one of them, Richard Lee, having emigrated from England in the reign of Charles the First. Thomas Lee, the father of Richard Henry, was one of the first of the leading men of the Atlantic colonies, who turned their attention to the extensive regions west of the Alleganies. Having employed an engineer of eminence from England to explore them, he, in conjunction with many others, under the name of the Ohio Company, took up an extensive tract of land on the Ohio river. The company never having obtained a patent from the Crown, their title was vacated at the Revolution. An anecdote related of the same person strongly illustrates his political foresight. He used to say, that he had no doubt America would declare herself independent of Great Britain, and that the seat of the new government would be near the little falls of the Potomac. So confident was he in this persuasion, that he acquired possession of large tracts of land around these falls, which till lately were in the possession of his descendants.

Richard Henry Lee, like most of the young men of wealthy families, was sent 'home,' as it was called, that is, to England, for his education, and was placed in the Academy of Wakefield in Yorkshire. No particular accounts are given of his progress at school; but the style of his eloquence, in after life, shows him to have been well grounded in classical and general literature. He returned to Virginia at about the nineteenth year of his age, two years after the decease of his father, and took up his abode with an elder brother. Though he did not devote himself to any professional pursuit, he passed his time in extending his acquaintance with the higher branches of political and moral science, and particularly in the study of the constitution and laws of England and America. For the pursuit of these dignified studies, his father's well stored library afforded him ample facilities.

Honorable and seductive as this leisure was, he stood ready to leave it, at the first call of his country. The inroads of the French and Indians on the western frontier, in the seven years' war, called aloud, and at length successfully, for the in-

terposition of England. In 1755, General Braddock was sent with a body of troops from England, to protect the defenceless settlements on the west. Upon the arrival of the General at Alexandria, volunteer companies of militia, which had been raised in the lower parts of Virginia, offered their services to him, to join the regular army in this hazardous service. Lee, the captain of one of these companies, was among the number that hastened to Alexandria, and there had the mortification to be contemptuously refused permission to enter the service. The General would accept the aid of none of the provincial troops. General Washington, who had two years before been employed as a special agent by the Governor of Virginia on a mission to the French Governor in the west, was attached to General Braddock as an aiddecamp.

Lee inherited from his ancestors the habit of punctuality and despatch in business. He was very early solicited to act as guardian of the estates of the children of his friends, and at the age of twentyfive, in capacity of justice of the peace, he distinguished himself as an active and leading member of the county court, a tribunal at that period of extensive jurisdiction. So distinguished was his usefulness in this sphere, that a petition was addressed to the Governor and Council, by several of the magistrates of the county, praying that his commission might be so antedated, that he might act as president of the court. The same year he was elected a member for Westmoreland to the House of Burgesses, and from this time to his death, a period of thirtythree years, he scarcely ceased for a moment, to be in the active and public service of his country. During the first years of his service in the House of Burgesses, he had to struggle against a diffidence, which he began to despair of ever being able to conquer. It was long before he could trust himself to engage in extemporaneous discussion. It is probable that more than one session passed, before he took any part in the debates. His first speech, as far as can be ascertained, was on a motion 'to lay so heavy a duty on the importation of slaves, as effectually to put an end to that iniquitous and disgraceful traffic, within the Colony of Virginia.' His speech on this subject was short and premeditated. It contains the strength of the argument against the slave trade, but does not appear to have produced a very decided conviction of the power of its author. This was yet to receive its developement.

Virginia was, at this period, like almost every other American

Colony, divided into two political parties. The one consisted of the large landholders, the owners of large numbers of slaves; the latter of the substantial yeomanry. The former lived in great splendor and luxury, imitating the mode of life of the English aristocracy, and by natural association inclined to their principles. Between this and the lower orders, or the popular party, there was but little social intercourse. Lee, it scarcely needs to be said, was of the latter class. An incidental conflict between the two parties, in the House of Burgesses, was the first occasion, which called out, in all its strength, the talent of Lee. Shortly after this first display, Mr Lee took the lead in exposing the defalcation of the treasurer of the Colony, a leader and pillar of the aristocratic party; and from this period his fame was established as a popular champion.

Here we cannot but interrupt the thread of our narrative to remark, that one of the happiest circumstances attending the struggle for our independence, was the very gradual manner, in which it was brought on. Even in the earlier periods of our colonial history (in some of the Colonies, and particularly in Massachusetts, in the very earliest), the struggle, which subsisted between the popular and court parties, was an admirable school of political gymnastics. It taught the patriots the habit and the boldness of discussion. This they had already acquired, when the shallow policy of Mr Grenville was broached in 1764. The eleven years that elapsed between this period and the commencement of the war, was another apprenticeship of political wisdom, skill, and courage; so that when the crisis came, it did not take the patriots by surprise. The incalculable worth of this training may be seen by the calamitous consequences of a want of it, in other nations struggling for freedom. The French revolution miscarried for want of this gradual education in the school of liberty. The new states in America have been doomed to a generation of bloodshed and horror, partly in consequence of the errors committed for want of political experience; and poor Greece is now held up to the world a mangled, quivering victim, a sacrifice to her own inexperience, not less perhaps than to the excusable barbarity of her masters, and the infernal* policy of her Christian neighbors.

On the passage of the act in 1764, declaratory of the right

* When it is remembered, that without Austrian transports, the Turkish armies could neither be conveyed to Greece nor fed there, we do not think the word in the text will be held too strong.

to tax America, Mr Lee expostulated on the illegality of this measure, in letters addressed to distinguished characters in England. His brother, Dr Arthur Lee, was at this time Colonial Agent of Massachusetts, residing in London; and from him the earliest intelligence of political movements was conveyed to Richard Henry, in America. On the motion of the latter in the House of Burgesses, and after great deliberation, a special committee was appointed to prepare an address to the King, a memorial to the House of Lords, and a remonstrance to the House of Commons against the policy which dictated the declaratory act. Mr Lee was placed on this committee, and the address to the King and the memorial to the Lords are still extant in his handwriting. On the passage of the Stamp Act the following year, Mr Lee was among the most active in the resistance, which it everywhere met in America. Under his auspices an association was formed to prevent the use of stamped paper; and it was in no small degree by his efforts and influence, that the same tone was given to Virginia, and through her to the South, which in Massachusetts was inspired by Samuel Adams and his associates. At this period commenced his acquaintance with his distinguished countryman, Patrick Henry; and to the strong sympathy and hearty cooperation of these kindred and mighty minds may, no doubt, in fairness, be ascribed a full proportion of the concert and energy with which the noble Virginian phalanx moved forward to the Revolution.

As early as 1768, Mr Lee is said to have conceived the idea of committees of correspondence between the legislatures and private associations of the different Colonies. We do not know with what justice his biographer and grandson claims for him the honor of having first made this suggestion, and having thus laid the foundation of a measure, which afterwards became one of the main engines for bringing on the Revolution. It was not till four or five years after, that the measure was generally adopted, and then it was at the suggestion of the legislature of Massachusetts, moved thereto by Samuel Adams. The records of the Boston Committee of Correspondence, of which the same inflexible patriot was the leading member, are still in existence among those of his papers, which have come down in his family. On the whole, considering that a partial private correspondence is a thing, which was started and carried on at a very early period, by many of the ardent sons of liberty, and was in itself a suggestion too obvious to mark any particular foresight as to its

adaptation for effecting great political measures; and as Samuel Adams was the unquestioned mover of the system of committees of correspondence, as it was actually organized, we are inclined to think that, without detracting from the merit of others, the praise of this suggestion may rightfully be given to him.*

On the destruction of the Gaspee sloop of war at Providence, and the consequent sensation throughout the Colonies, Mr Lee opened a correspondence with Samuel Adams, which was kept up till his death. Among the letters of many of the most

* Mr Wirt says, in his Life of Patrick Henry, p. 87, that 'this House [the House of Burgesses in Virginia] had the merit of originating that powerful engine of resistance, Corresponding Committees between the legislatures of the different Colonies; the measure was brought forward by Mr Dabney Carr, a new member from the county of Louisa, in a committee of the whole House, on the twelfth of March, 1773.' If by 'originating' is meant the first legislative act, this statement of the case is no doubt correct; but that this system of committees of correspondence had been publicly adopted in Massachusetts some months before the Virginia resolutions, will appear, by the following extract from the Town Records of Boston. A town meeting was held on the second of November, 1772, when, on motion of Samuel Adams, a committee of correspondence was appointed, consisting of twentytwo persons. This committee was instructed, 'To state the rights of the Colonists, and of this Province in particular, as men, as christians, and as subjects; to communicate and publish the same to the several towns in this Province and to the world, as the sense of this town, with the infringements and violations thereof that have been, and from time to time may be made; also requesting of each town a free communication of its sentiments on this subject.'

This committee of correspondence was thus publicly appointed and instructed on the second of November, but the Virginia resolutions were not brought forward till the twelfth of March following, that is, more than four months afterwards.

Gordon speaks of this event. 'Governor Hutchinson and his adherents,' says Gordon (Vol. I. p. 312), 'being used to represent the party in opposition, as only an uneasy, factious few in Boston, while the body of the people were quite contented, Mr Samuel Adams was thereby induced to visit Mr James Warren of Plymouth. After conversing upon the subject, the latter proposed to originate and establish committees of correspondence in the several towns of the Colony, in order to learn the strength of the friends to the rights of the continent, and to unite and increase their force. Mr Samuel Adams returned to Boston, pleased with the proposal, and communicated the same to his confidents. Some doubted whether the measure would prosper, and dreaded a disappointment, which might injure the cause of liberty. But it was concluded to proceed.' Gordon then goes on to give an account of the town meeting mentioned above, and of its proceedings.

This subject has been more fully discussed on a former occasion in this Journal. See Vol. VI. p. 310, for March, 1818.

distinguished patriots and statesmen of the revolutionary epoch, which form a considerable part of the work before us, those of Samuel Adams are the most interesting, and increase the desire, which is already so general, that the rich deposit of the papers of this great republican sage may before long be spread before the world. On the arrival of the Boston Port Bill, the Assembly of Virginia ordered a fast to be observed on the day when the port bill was to go into execution. The next day it was the intention of Mr Lee to propose a series of resolutions expressive, in very strong and indignant language, of the feelings, with which Virginia contemplated this outrage on her sister Colony. The Governor having dissolved the Assembly, it was impossible to bring forward these resolutions, and the other measures contemplated by the friends of liberty. It was Mr Lee's wish to summon an inofficial meeting of the House, but a majority preferred the publication of an address to their constituents, in which, after denouncing the Boston Port Bill, a general Congress was proposed, to consult on the state of the Colonies, and the suggestion is made of a prohibition of all exports from America to England. This address was from the pen of Mr Lee.

The measure of sending deputies to the Continental Congress, already determined on by Massachusetts (and this by a vote passed the seventeenth of June, 1774, as if in prophetic anticipation of a still more eventful futurity), was adopted by Virginia in the month of August. Peyton Randolph, Richard Henry Lee, George Washington, Patrick Henry, Richard Bland, Benjamin Harrison, and Edmund Pendleton were designated as deputies. Mr Lee was one of the ablest and most energetic members of this body. The most important individual measure adopted at this Congress was perhaps the preparation of the Petition to the King, the Address to the People of England, and the Memorial to the People of British America. These were those 'papers from Philadelphia,' which Lord Chatham compared to Demosthenes and Thucydides. They were drafted by a committee, consisting of Mr Lee, Mr Livingston, and Mr Jay. It is rendered highly probable that the Petition to the King and the Memorial to the People of British America were written by Mr Lee, and the Address to the People of England is admitted to have been the composition of Mr Jay. This last document may perhaps be regarded as the very ablest of the kind, which the Revolution produced. An unfavorable representation having been given of the part taken by Mr Lee

in the composition of these papers, in Mr Wirt's Life of Henry, the author of the work before us was induced to apply to Mr Jay, the surviving member of this committee, for accurate information on the subject. Mr Jay's interesting letter is given in the Appendix to the work; the inferences which it authorizes on this subject have already been stated.

On his return from Philadelphia, Mr Lee took his seat in the House of Burgesses, as the member for Westmoreland, and seconded the proposal of his friend Henry for arming the militia of the State, a measure, which he had also recommended at the general Congress. He was again designated as a member of that which was to assemble in May, 1775. Before that time arrived, the blow had been struck at Lexington, and the contest had assumed a decisive aspect. Among the first questions which presented themselves was one which arose on the application of Massachusetts for the advice of the Congress, as to 'the taking up and exercising the powers of civil government.' Some light perhaps might be thrown on the *new* doctrines of State sovereignty, by a careful comparison of the acts and measures, by which the separate Colonies proceeded, in uniting their State governments. *New* we call them, for we are quite persuaded, that the patriots and statesmen of the Revolution never conceived of the States as independent sovereigns, in the same sense that England and France are independent of each other, which is now the cant, for it deserves no better name. We have seen, on this subject, some letters written by General Joseph Warren, in the last month of his glorious existence, and addressed to Samuel Adams, then in Philadelphia. We need scarcely say that Adams and Warren were not the men to abdicate the rights of their native State. But the controversy here, as in so many other cases, is one of words. If the parties would first decide what they mutually understand by *sovereign*, there might be no difference of opinion, how far that name was applicable either to the State or National Governments. It would appear that each of those governments possesses, and that each wants several of the attributes of simple, final sovereignty. All arguments, therefore, tending to enlarge the powers of the national government, because it is a sovereign, are fallacious; because, though the Constitution confers many sovereign powers on the national government, it does not confer all. On the other hand, all arguments tending to enlarge the independence of the States, as being sovereigns, are equally fallacious; because the people of

the States have ceded some of the attributes of sovereignty to the Union. The use of the term, therefore, in either case proves nothing, and will infallibly be found, in the argument, to cover a sophism.

But we have wandered into the school of metaphysical politics; let us return to the days (happier in this), when such politics were unknown. In the councils and labors of the Congress at this eventful period, Mr Lee was conspicuous. When General Washington had been unanimously chosen commander in chief of the armies raised or to be raised for the defence of American liberty, a committee was appointed to draft his commission and instructions, of which Mr Lee was the chairman. The original draft of the commission, by which General Washington was constituted general and commander in chief of the American armies of the Revolution, with an indorsement of his name on the back of it, was long in the possession of Mr Lee's family.

It would be impossible to follow our author in all his interesting details, as to the agency of Mr Lee in the affairs of the Congress. But we ought not to omit the interesting chapter of the Declaration of Independence. On the seventeenth of May, 1776, the Virginia Convention unanimously resolved, 'that the delegates appointed to represent this Colony in the general Congress, be instructed to propose to that respectable body to declare the United Colonies free and independent states, absolved from all allegiance to or dependence upon the crown of Great Britain,' &c. In pursuance of this instruction, it is understood that the Virginia delegation requested Mr Lee to make a formal motion in Congress. This was done by him, in the following words, 'That these United Colonies are and of right ought to be free and independent states; and that all political connexion between them and the state of Great Britain is and ought to be totally dissolved.' This motion was made on Friday, June the seventh. The delicacy of the subject, and the responsibility supposed to be incurred by the movers of such a resolution are, no doubt, the cause of its being entered in the Journal, without the name of the mover or seconder. The entry is in the following words; 'Certain resolutions respecting independence being moved and seconded, resolved, that the consideration of them be deferred till tomorrow morning; and that the members be enjoined to attend punctually at ten o'clock, in order to take the same into consideration.' The resolution was seconded by John Adams.

On the eighth, the Congress resolved itself into a committee

of the whole, to take into consideration the resolutions, Mr Harrison of Virginia in the chair. On Monday, the tenth, the debate was renewed, and the resolutions were reported to the Congress. The following resolve was then passed, 'That the consideration of the first resolution be postponed to the first Monday in July next, and in the mean while, that no time be lost, in case the Congress agree thereto, a committee be appointed to prepare a declaration to the effect of the first resolution,' which is in these words, 'That these United Colonies,' &c.

On the evening of the tenth, the day on which this resolve was adopted, Mr Lee received information from Virginia, that Mrs Lee was dangerously ill. This circumstance requiring his presence at home, he was obliged to ask leave of absence for a short time; and he accordingly left Philadelphia on the eleventh. It was no doubt owing to this circumstance, that he was not a member of the committee appointed to draw up the Declaration of Independence. This committee consisted of Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and R. R. Livingston.

The circumstances attending the preparation of this immortal state paper, by the committee appointed for that purpose, cannot be uninteresting even in their minutest detail. We accordingly make no apology for inserting here the following extract from a letter of Mr Adams to Mr Pickering, dated August the sixth, 1822, containing the most particular statement, we believe, that has been furnished on this subject.

'Mr Jefferson came into Congress in June 1775, and brought with him a reputation for literature, science, and a happy talent at composition. Writings of his were handed about, remarkable for the peculiar felicity of expression. Though a silent member in Congress, he was so prompt, frank, explicit, and decisive upon committees, not even Samuel Adams was more so, that he soon seized upon my heart; and upon this occasion I gave him my vote, and did all in my power to procure the votes of others. I think he had one more vote than any other, and that placed him at the head of the committee. I had the next highest number, and that placed me the second. The committee met, discussed the subject, and then appointed Mr Jefferson and me to make the draft; I suppose, because we were the two highest on the list. The subcommittee met. Jefferson proposed to me to make the draft. I said, "I will not, you shall do it." [Then follows an amicable altercation on this point; but Mr Adams persisting in his refusal to make the draft], "Well," said Jefferson, "if you

are decided, I will do as well as I can." "Very well, when you have drawn it up, we will have a meeting." A meeting we accordingly had, and conned the paper over. I was delighted with its high tone, and the flights of oratory with which it abounded, especially that concerning negro slavery; which, though I knew his southern brethren would never suffer to pass in Congress, I certainly never would oppose. There were other expressions which I would not have inserted if I had drawn it up; particularly that which called the king a tyrant. I thought this too personal; for I never believed George to be a tyrant in disposition and in nature; I always believed him to be deceived by his courtiers on both sides the Atlantic, and in his official capacity only cruel.

'I thought the expression too passionate and too much like scolding for so grave and solemn a document; but as Franklin and Sherman were to inspect it afterwards, I thought it would not become me to strike it out. I consented to report it; and do not now remember that I made or suggested a single alteration. We reported it to the Committee of Five. It was read; and I do not remember that Franklin or Sherman criticised anything. We were all in haste; Congress was impatient; and the instrument was reported, as I believe, in Jefferson's handwriting, as he first drew it. Congress cut off about a quarter part of it, as I expected they would; but they obliterated some of the best of it, and left all that was exceptionable, if anything in it was. I have long wondered that the original draft has not been published. I suppose the reason is, the vehement philippic against negro slavery. As you justly observe, there is not an idea in it but what had been hackneyed in Congress for two years before. The substance of it is contained in the declaration of rights and the violation of those rights, in the Journals of Congress in 1774. Indeed the essence of it is contained in a pamphlet voted and printed by the town of Boston before the first Congress met; composed by James Otis, as I suppose, in one of his lucid intervals, and pruned and polished by Samuel Adams.'—*Pickering's Review*, second edition, pp. 131, 132.

On the first of July, in pursuance of the resolve of the tenth of June, which has already been mentioned, Congress went into a committee of the whole on Mr Lee's resolution, and reported it to the House. The further consideration of it was postponed till the next day, when it was finally adopted. The 'declaration concerning independence' was also discussed during these days and the day succeeding, and was, after various amendments, adopted by Congress on the fourth of July. Four

days after the adoption of the declaration, a copy of it, as originally reported, was sent by Mr Jefferson to Mr Lee, still in Virginia on account of the sickness of his wife. The document was preserved by Mr Lee, with the care which its origin and importance dictated, and is still in the possession of the author of the work before us.

The great interest attached to the minutest details on this subject have induced us to quote here, from Mr Pickering's Review, the declaration as reported and the declaration as adopted. Mr Pickering's copy of the original draft was taken from that sent by Mr Jefferson to Mr Lee, and corresponds with the one printed in the Appendix to the Memoir.

Mr Jefferson's Draft, as reported by the Committee to Congress.

A Declaration by the Representatives of the UNITED STATES OF AMERICA in General Congress assembled.

When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self evident; that all men are created equal; that they are endowed by their Creator with inherent and inalienable rights; that among these are life, liberty and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying it's foundation

The Declaration, as amended and adopted by Congress.

A DECLARATION by the Representatives of the UNITED STATES OF AMERICA, in Congress assembled.

This paragraph of the draft remained unaltered.

We hold these truths to be self evident; that all men are created equal; that they are endowed, by their Creator, with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation

on such principles, and organizing it's powers in such form, as to them shall seem most likely to effect their safety and happiness. prudence indeed will dictate that governments long established should not be changed for light and transient causes. and accordingly all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. but when a long train of abuses and usurpations, begun at a distinguished period, and pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to expunge their former systems of government. the history of the present king of Great Britain, is a history of unremitting injuries and usurpations, among which appears no solitary fact to contradict the uniform tenor of the rest; but all have in direct object the establishment of an absolute tyranny over these states. to prove this let facts be submitted to a candid world, for the truth of which we pledge a faith yet unsullied by falsehood.

He has refused his assent to laws the most wholesome and necessary for the public good.

he has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has neglected utterly to attend to them.

on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having, in direct object, the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world.

Not altered.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

he has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature; a right inestimable to them, and formidable to tyrants only.	*Not altered.*
he has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.	*Not altered.*
he has dissolved Representative houses repeatedly and continually, for opposing with manly firmness his invasions on the rights of the people.	He has dissolved representative houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.
he has refused for a long time after such dissolutions to cause others to be elected, whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise, the state remaining in the mean time exposed to all the dangers of invasion from without and convulsions within.	*Not altered.*
he has endeavoured to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migration hither; and raising the conditions of new appropriations of lands.	*Not altered.*
he has suffered the administration of justice totally to cease in some of these states, refusing his assent to laws for establishing judiciary powers.	He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.
he has made our judges dependent on his will alone, for the tenure of their offices, and the amount and paiment of their salaries.	He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.
he has erected a multitude of new offices by a self-assumed power, and sent hither swarms of offi-	He has erected a multitude of new offices, and sent hither swarms of officers to harass our

cers to harrass our people, and to eat out their substance.

he has kept among us, in times of peace, standing armies and ships of war, without the consent of our legislatures.

he has affected to render the military independent of, and superior to the civil power.

he has combined with others to subject us to a jurisdiction foreign to our constitutions and unacknoleged by our laws; giving his assent to their acts of pretended legislation,

for quartering large bodies of armed troops among us;

for protecting them by a mock trial from punishment for any murders which they should commit on the inhabitants of these states;

for cutting off our trade with all parts of the world;

for imposing taxes on us without our consent;

for depriving us of the benefits of trial by jury;

for transporting us beyond seas to be tried for pretended offences;

for abolishing the free system of English laws in a neighbouring province, establishing therein an arbitrary government, and enlarging it's boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these states;

for taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments;

for suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever;

he has abdicated government here, withdrawing his governors, and declaring us out of his allegiance and protection.

people, and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

Not altered.

He has combined with others, to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation,

Not altered.

For depriving us, in many cases, of the benefits of trial by jury;

Not altered.

For abolishing the free system of English laws in a neighbouring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it, at once, an example and fit instrument for introducing the same absolute rule into these colonies;

Not altered.

Not altered.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

he has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people. he is at this time transporting large armies of foreign mercenaries, to compleat the works of death, desolation and tyranny, already begun with circumstances of cruelty and perfidy unworthy the head of a civilized nation.

he has endeavoured to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions of existence.

he has incited treasonable insurrections of our fellow citizens, with the allurements of forfeiture and confiscation of our property.

he has constrained others, taken captives on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

he has waged cruel war against human nature itself, violating it's most sacred rights of life and liberty in the persons of a distant people, who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. this piratical warfare, the opprobrium of infidel powers, is the warfare of a *Christian* king of Great Britain. determined to keep open a market where MEN should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce. and that this assemblage of horrors might want no fact of distinguished

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction, of all ages, sexes, and conditions.

Struck out.

die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which *he* has deprived them, by murdering the people upon whom *he* also obtruded them: thus paying off former crimes committed against the *liberties* of one people, with crimes which he urges them to commit against the *lives* of another.

Struck out.

In every stage of these oppressions, we have petitioned for redress in the most humble terms; our repeated petitions have been answered only by repeated injury. a prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a people who mean to be free. future ages will scarce believe that the hardiness of one man adventured, within the short compass of twelve years only, to build a foundation so broad and undisguised, for tyranny over a people fostered and fixed in principles of freedom.

In every stage of these oppressions, we have petitioned for redress, in the most humble terms: our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. we have warned them from time to time of attempts by their legislature to extend a jurisdiction over these our states. we have reminded them of the circumstances of our emigration and settlement here, no one of which could warrant so strange a pretension: that these were effected at the expence of our own blood and treasure, unassisted by the wealth or the strength of Great Britain: that in constituting indeed our several forms of government, we had adopted one common king, thereby laying a foundation for perpetual league and amity with them: but that submission to their parliament was no part of our con-

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts by their legislature, to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connexions and correspondence. They too, have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our separation, and hold them, as we hold the rest of

stitution, nor even in idea, if history may be credited: and we appealed to their native justice and magnanimity, as well as to the tyes of our common kindred, to disavow these usurpations, which were likely to interrupt our connection and correspondence. they too have been deaf to the voice of justice and of consanguinity; and when occasions have been given them by the regular course of their laws, of removing from their councils the disturbers of our harmony, they have by their free election re-established them in power. at this very time too, they are permitting their chief magistrate to send over not only soldiers of our common blood, but Scotch and foreign mercenaries to invade and destroy us. these facts have given the last stab to agonizing affection; and manly spirit bids us to renounce forever these unfeeling brethren. we must endeavour to forget our former love for them, and to hold them as we hold the rest of mankind, enemies in war, in peace friends. we might have been a free and a great people together; but a communication of grandeur and of freedom, it seems is below their dignity. be it so, since they will have it. the road to happiness and to glory is open to us too; we will climb it apart from them, and acquiesce in the necessity which denounces our eternal separation!

*We therefore the Representatives of the United States of America, in General Congress assembled, do, in the name, and by authority of the good people of these states, reject and renounce all allegiance and subjection to the kings of Great Britain, and all others who may hereafter claim by, through, or under them; we utterly dissolve all political connection, and all pretensions to government over them; and we reject and renounce all alliance whatever between them and the parliament or people of Great Britain: and finally we do assert and declare these colonies to be free and independent states, and that as free and independent states they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which other states may rightfully do. and for the support of this declaration, we mutually pledge to each other our lives, our fortunes, and our sacred honour.

*We, therefore, the Representatives of the United States of America, in General Congress assembled, appealing to the supreme Judge of the world for the rectitude of our intentions, do, in the name, and by the authority of the good people of these colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be, Free

nection which may heretofore have subsisted between us and the parliament or people of Great Britain; and finally we do assert these colonies to be free and independent states, and that as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. and for the support of this declaration, we mutually pledge to each other our lives, our fortunes, and our sacred honour.

and INDEPENDENT STATES; that they are absolved from all allegiance to the British Crown, and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as FREE and INDEPENDENT STATES, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which INDEPENDENT STATES may of right do. And, for the support of this declaration, with a firm reliance on the protection of DIVINE PROVIDENCE, we mutually pledge to each other, our lives, our fortunes, and our sacred honour.

In the month of August, Mr Lee returned to his post at Philadelphia and was immediately recalled to numerous important labors in the hall of Congress and in the committee rooms. In the course of the following year his health suffered, and in consequence of insinuations unfriendly to his patriotism as an American and a Virginian, the House of Assembly of Virginia, in the month of May, 1777, superseded him as a deputy to the Continental Congress. Being reelected to the Virginia Assembly as the member for Westmoreland, he demanded an investigation into his conduct. This investigation was granted, and was carried on in the House, in the presence of the Senate. The result was honorable to the purity of his character, and the address of the venerable Wythe, in pronouncing his acquittal, does equal honor to both. It is stated by our author, that the Chancellor is reported to have shed tears while delivering it.

George Mason having in the course of the season resigned his seat in Congress, Mr Lee was elected in his place and returned to Philadelphia in August 1777; but was again compelled by the state of his health, enfeebled by his laborious occupation in the public business, to return to Virginia in the month of December; nor was it till the following spring, that he was able again to give his attention in Congress, of which body he continued to be a member till the year 1780, when the critical position of affairs in Virginia induced him to retain his seat in the Assembly of that State. During the same and the following year, the incursions of the enemy in those parts of the State,

which lie on the large rivers, led Mr Lee to the active discharge of the duties, which devolved upon him, as commander of the militia of his county. In this service, he signalized his energy and skill, not less than he had done in the political councils of the country. In the two great questions, which at this time agitated the Assembly and the State of Virginia, that of making the depreciated paper money a legal tender and the obstructing of the payment of the British debts, it was the fortune of Mr Lee, who was on the negative of both these questions to be in direct collision with his colleague, Patrick Henry, who maintained the necessity and expediency of both these measures.

On the return of peace in 1783, Mr Lee resumed his seat in the Congress of the Confederation, and was chosen president of that body, of which he was for several years reelected a member. In 1787 he was one of the committee which reported the famous ordinance for the government of the territory north west of the Ohio. On the proposal of the Constitution in 1788, Mr Lee declared himself amongst the most decided opponents to its adoption. The arguments, which he employed to convince his friends of the dangerous character of this form of government, may be seen at large in the letters contained in the second volume, particularly in those addressed to Samuel Adams. Mr Lee shared the fears, which many of the soundest politicians and best patriots felt, that the National Government would prove too strong for the independence of the States. His reasonings deserve to be quoted, as part of the contemporaneous exposition of the Constitution, for it is only by comparing what was said against it with what was said for it, that we can arrive at certain knowledge of what the framers of the Constitution intended by its provisions.

The zeal and ardor, with which the friends of a strongly contested measure urge its adoption will always lead them to soften and disguise those features, which are particularly obnoxious; and on the other hand, the opponents of the measure as naturally strive to render these obnoxious traits as prominent as possible. When, therefore, we quote simply those passages from the Federalist, and from the debates in the various State conventions, in which the obnoxious features of the Constitution are attempted to be defended, we are in great danger of falling into error; as great at least, as if we adopted the opposite course, and judged of the Constitution, solely by what was said in disparagement of it. Still, however, neither of these sources

of exposition must be rejected. As we have already remarked, the letters of Mr Lee will add valuable matter to the stock of these contemporaneous expositions.

We will quote a single passage, in reference to the provision in the Constitution, that Congress shall have power 'to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States.' It is maintained by one school of politicians, that this provision is, of itself, sufficient to authorize Congress to do all things not prohibited by the Constitution, which the common defence and general welfare prescribe. The other school maintains, that this provision gives no grant of powers, and seeks to sustain this position by various contemporaneous expositions. The following remark of Mr Lee, in a letter to Governor Randolph, will show his opinion of this clause.

'But what is the power given to this ill constructed body? [Congress.] To judge of what may be for the *general welfare;* and such judgment, when made that of Congress, is to be the *supreme law of the land.* This seems to be a power *coextensive with every object of human legislation.*' Vol. II. p. 79.

Mr Lee was a member of the Senate from Virginia in the first Congress, and exerted himself to procure the adoption of those amendments, which were thought so essential to guard the rights of the States. He was not, however, successful in carrying them through, as proposed by himself and friends. The tenth amendment, which was particularly urged by Mr Lee, was proposed by him in the following form, 'The powers not *expressly* delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively.' In this amendment the word *expressly* was stricken out, before the adoption of the article; and on motion of Mr Ellsworth the words, '*or to the people*,' were added. This addition will probably be thought, on close scrutiny, to be exceedingly subtil.

Mr Lee remained in the Senate during two sessions of Congress, and became, like his friend Henry, a cordial supporter of President Washington's administration. The last act of his political life was a letter, which he wrote to the President, assuring him of his support, on occasion of a meeting of the inhabitants of Fredericksburgh to condemn the proclamation of neutrality. After the year 1792, when he was at the age of sixty, he filled no

place in the government of Virginia, or of the United States. He died on the nineteenth of June 1794, at his seat in Chantilly, Westmoreland.

Many readers will esteem the second volume the most valuable of the two, of which this work consists. It contains the correspondence of Mr Lee with his distinguished contemporaries, Washington, Lafayette, the two Adamses, Henry, Jefferson, Madison, and many others of the statesmen and patriots of the day. The arrangement of this volume is defective, not being upon any fixed principle of order; and as no index or list of contents accompanies the work, it is very difficult to recur to any particular part, or gain a general survey of the whole. This may be mentioned as a little error of authorship, or rather as a slight deficiency in the art of bookmaking, an art of which even the most judicious writer, about to usher a book into the world, ought not to be wholly ignorant. The literary execution of the work is, upon the whole, highly respectable; and such as to render the work an honorable memorial to the great man who is the subject of it. Of the typographical execution little can be said in commendation. It is coarse and slovenly, and the doing up of the two volumes is disgraceful. It is high time that the opinion of the reading community was loudly expressed on this point. For ourselves, we cannot conceive how the publishers of this work, among the first publishing houses in America, can allow a book like this to go from their press, especially with such models as the Life of Quincy, and that of Otis, to show them what style of printing the public will bear, in works of this class. Prevented as we are by a most oppressive tariff from importing foreign books, it is a subject of loud and just complaint, that our own should at once be so meanly and so extravagantly printed. The work before us is in two volumes, averaging two hundred and fifty pages each, the first of them chiefly in a loose type. For this work we are obliged to pay two dollars a volume, while three dollars for the two would be a high price.

We perceive, by a paragraph in the papers, that Mr Lee, the author of this work, has deposited in the library at Philadelphia the manuscript correspondence of his grandfather. We honor this judicious disposition of such valuable historical records. It is now full time, that valuable collections of papers should be placed beyond the reach of the accidents, to which they are exposed in private hands. We doubt not almost all our readers

have personal knowledge, within the circle of their acquaintance, of the gradual disappearance, absorption, annihilation of collections once large and precious. The history of our Revolution and constitutional organization is yet to be written. Nothing but materials have been published on this unparalleled theme. And many more materials must yet be given to the world, and perhaps another generation elapse, before the history can be written. The archives at Washington must be explored; those of the several states thoroughly searched; and the treasures, which are scattered about in the families of the revolutionary worthies, must be given to the world. The latter is quite as important a preliminary as either of the others. The history of the Revolution is in the letters of the great men who shone in it. It is from them alone that characters can be graduated, majorities sifted, parties unraveled, opinions historically deduced under changing names. Take for illustration the Journal of the Federal Convention. Meagre as it is at best, what would it have been without the contributions to it, furnished by General Bloomfield as executor to Mr Brearly, by Mr C. Pinckney, and by Mr Madison. Even the sketches of Chief Justice Yates, imperfect as they are, present us all that we as yet possess, in the nature of a Report of the discussions in that august body. Much more remains in manuscript, than has yet been given to the world from the papers of the revolutionary period. General Washington's have been carefully perused by Chief Justice Marshall, but a gleaning of them only appears in his work. President Adams's, Mr Jefferson's, Mr Madison's are still, and may they long so continue, in the hands of these venerable men. The hope has occasionally been indulged, that the last of them would be induced to employ a part of his honorable leisure, in arranging the materials for a history of those momentous periods of our political history, with which no man living is so well acquainted as himself. To General Hamilton's papers we have already alluded, and trust the time is not far distant, when they will be made to contribute to the general stock of the materials for our independent history.

Such a subject, as that which this history presents, is nowhere else in the range of ages to be pointed out. Beginning with the first steps of the new colonial policy of Britain toward America, in 1764, and brought down to the adoption of the Constitution, and organization of the government in 1790, it is a theme of epic unity and grandeur. It comprehends every kind of interest;

politics alternately of the subtilest and of the most expansive school; the action and reaction upon each other of the mature political strength of the English Cabinet, and the adolescent energy of America. It is filled with characters, with incidents; the senate house rings with an eloquence, like that which was wont to be heard in the storms of the old commonwealths; strains of exhortation and resolute responses echo to each other across the Atlantic; in the shifting scenes of the war, all the races of man and the stages of civilization are mingled, the British veteran, the German mercenary, the gallant Chevaliers of Poland and France, the hardy American yeoman, the mountaineer, the painted savage. At one moment the mighty fleets of Europe are thundering in the Antilles; at the next, the blue eyed Brunswickers, the veterans of the Seven Years' War, are seen winding down from the Canadian frontier, under the command of an English Gentleman, to capitulate to the American militia; peace is made; thirteen republics stand side by side on the Continent, bleeding from the wounds of war, tremblingly alive for the independence, which their labors and agonies had gained them; the trial of war has been borne, that of peace succeeds; a Constitution is proposed, is discussed, is adopted; a new life is breathed by it into the exhausted channels of the nation, which starts from that moment in a career of prosperity so rapid, so resistless, so adventurous, that the reality every day puts our brightest visions to shame. And this astonishing drama of events was the work of our days; its theatre was our beloved country; its immortal actors were our fathers.

Art. VII.—*The Rebels, or Boston before the Revolution.* By the Author of Hobomok. Boston. Cummings, Hilliard, and Co. 12mo. pp. 304.

We are glad to see that the author of Hobomok, whom we understand to be a lady, has resumed her pen. That interesting little tale made its way to the public favor solely by its own merits, and was scarcely noticed by our critics, till their opinions had been rendered of little consequence by the decision of the literary community. Whatever objections may be made to the mode in which the story is conducted, and the catastrophe pro-

duced, it cannot be denied, that these faults are abundantly redeemed by beauties of no ordinary value. In graphic descriptions of scenery, in forcible delineations of character, in genuine pathos, we think Hobomok may be safely compared with any work of fiction, which our country has produced. It was natural, therefore, that the expectations of the public should be highly excited, by the appearance of another work from the same hand; and, in fact, a new novel has rarely been seized upon with greater avidity.

The author has paid the usual price of an early reputation, that of being compelled to use redoubled exertions in order to prevent it from fading. We cannot venture to say, that her laurels have lost none of their freshness by the present attempt, but on the other hand, we think that her failure is only a partial one, and that it may be ascribed to other causes than want of ability. In the first place, the choice of the subject is singularly unfortunate. The era of Hobomok was fixed in so remote a period, that the author was entirely exempted from any necessity of adhering to historical truth in her narration of events. Her incidents are almost entirely the offspring of her own fancy, and her personages may every one of them be considered as fictitious; for though we find in history the names of Governor Endicott, of Lady Arabella, of Corbitant, and Hobomok, yet so little is generally known of their respective characters, that the author could invest every one of them with such qualities as she might deem expedient, without doing violence, for a single moment, to the recollections of her readers.

But the scene of the work before us is fixed, as its title indicates, in Boston, a few years previous to the American Revolution, and the author has incorporated into her story many public events of that recent and interesting period, and introduced among her *dramatis personæ* such well known public characters, as Samuel Adams, James Otis, Governor Hutchinson, and Mather Byles. It is manifest, therefore, that instead of choosing a period and a scene, which would have given full play to her powerful fancy, she has voluntarily shackled it with no light impediments, and undertaken a task, beneath which even the genius of the Unknown might have faltered without disgrace.

In fact, this work is in a great degree a mere copy from real history, a narrative of events possessing an interest which fiction can do little to heighten, a repetition of political sentiments, which we find expressed with far more force and eloquence in the

writings of Adams and of Quincy, and which are as familiar to the mind of every New England reader, as the simplest elements of morality. These defects were almost forced upon our author by her injudicious choice of a subject. There are others, however, which cannot be fairly ascribed to the same cause.

The narrative is greatly deficient in simplicity and unity, and is not so much one story as a number of separate stories, not interwoven, but loosely tied together. Every prominent character is introduced with a long genealogy, and we feel something of the same embarrassment, in tracing their several histories, and preventing them from mingling with each other in our recollections, which a lawyer experiences in hunting down a title, through a number of long and intricate conveyances. The author, in short, seems to have been perplexed by the richness of her inventive powers, and has crowded into a short volume, a sufficient quantity of incidents to form the groundwork of half a dozen respectable novels. We think it the more necessary to comment on this fault, because no point has been so much neglected, by the writers of historical romances, from the author of Waverley downwards, as the management of their narrative; and we have even seen it maintained by critics as an axiom, that the story of a novel is of as little consequence, as the frame of a picture, or the thread of a pearl necklace. It would be easy to oppose simile to simile, and to speak of the difference between a regular and magnificent structure, and a confused pile of splendid materials, but we prefer submitting the question without argument to the taste of the public.

This profusion of incidents and want of method are, however, neither the only nor the greatest faults in the narrative of the Rebels. Almost every reader, we believe, will be dissatisfied with the manner in which the author has thought proper to wind up the history of Lucretia. This character is perhaps better drawn than any other in the whole work. It has ever been considered, as one of the most difficult problems in novel writing, to render a heroine interesting without beauty; and the success with which this is done, in the present instance, is of itself a sufficient proof of no ordinary talents. From the first moment of her appearance, to her rejection of Somerville at the altar, Lucretia maintains a powerful hold on our feelings. Had her story then closed, or had she then been consigned, like her friend Grace, to an early grave, or to a hopeless celibacy, we believe that every reader would have been amply gratified;

but to see her, after all, comfortably married, excites much the same benevolent disappointment in all lovers of true sentiment, as is manifested in many of our public prints, when a long expected duel is prevented by an amicable arrangement, in which case, as we have heard it aptly said, 'the *generous public* will be satisfied with nothing but bloodshed.' To speak rather more seriously, the marriage between the high spirited Lucretia and a lover whom she had once rejected, bespeaks more of the prudent calculation of real life, than of the romantic dignity, which we are accustomed to exact from the heroes and heroines of the world of fiction.

A still more serious objection may be made to the incident, which takes place in the tomb of the Osbornes. The introduction of such a circumstance reminds us of some of the worst passages of Crabbe; and it is surely better to leave our feelings untouched, than to attempt to move them by such revolting and shocking objects.

We have now pointed out the principal faults of the author with a freedom, which we have thought it our duty to use. Had she produced merely a dull and insipid work, we should have left it to sink quietly into oblivion, without attempting to arrest or to accelerate its progress. But as we have before intimated, her faults are evidently those, not of a feeble, but a misguided intellect; and this work is, after all, a production of great merit. In the first place, the style is pure and elegant, and equally free from affectation and carelessness. Besides, whatever objections may be made to the work, as a regular and harmonious whole, no one can deny that it abounds in passages, which, taken by themselves, are strikingly beautiful and interesting. The description of the mob, which destroyed Governor Hutchinson's library, is drawn with the hand of a master. The sermon of Whitefield is executed with great felicity, and is in exact keeping with the character of that eloquent and untutored enthusiast. To these passages, we may add the following account of the procession of the nuns, in the convent at Quebec. The clause which we have marked in italics is a little finical.

'An old priest, exceedingly lazy in his manner, and monotonous in his tone, was reading mass, to which most of the audience zealously vociferated a response.

'An arch, ornamented with basso relievo figures of the saints, on one side of the chancel, surmounted a door, which apparently led to an interior chapel; and beneath a similar one, on the op-

posite side, was a grated window, shaded by a large, flowing curtain of black silk.

'Behind this provoking screen were the daughters of earth, whom our traveller supposed to be as beautiful as angels and as pure.

'For some time a faint response, a slight cough, or a deep drawn sigh, alone indicated the vicinity of the seraphic beings.

'At length, however, the mass, with all its thousand ceremonies, was concluded. There was silence for a moment, and then was heard one of the low, thrilling chants of the church of Rome.

'There was the noise of light, sandalled feet. The music died away to a delicious warbling, *as faint and earnest as woman's entreaty;* then gradually rising to a bold, majestic burst of sound, the door on the opposite side opened, and the sisterhood entered amid a glare of light.

'That most of them were old and ugly passed unnoticed; for whatever visions an enthusiastical imagination might have conjured up, were certainly realized by the figure that preceded the procession.

'Her forehead was pale and lofty, her expression proud, but highly intellectual. A white veil, carelessly pinned about her brow, fell over her shoulders in graceful drapery; and as she glided along, the loose white robe, that constituted the uniform of her order, displayed to the utmost advantage that undulating outline of beauty, for which the statues of Psyche are so remarkable.

'A silver crucifix was clasped in her hands, and her eyes were steadily raised toward heaven; yet there was something in her general aspect from which one would have concluded, that the fair devotee had never known the world, rather than that she had left it in weariness or disgust.

'Her eye happened to glance on our young friend, as she passed near him; and he fancied it rested a moment with delighted attention.

'The procession moved slowly on in pairs, the apostles bearing waxen lights on either side, until the last white robe was concealed behind an arch at the other end of the extensive apartment.

'The receding sounds of "O sanctissima, O purissima," floated on the air, mingled with clouds of frankincense; and the young man pressed his hand to his forehead with a bewildered sensation, as if the airy phantoms of the magic lanthorn had just been flitting before him.' pp. 116, 117.

The following is a picture of a more amusing nature. How

far it is a correct likeness is a point which we must leave to the decision of our elders.

'On the ensuing sabbath, Somerville joined the young ladies on their way to Hollis street. The crowd presented a strange contrast to the congregations of the present day. Here and there a taper waisted damsel, glittering in embroidered brocade, with flowers even larger than life; while close by her side walked the dandy of that period, with bright red waistcoat, leather small-clothes, and enormous buckles sparkling in the sun. Then followed a humble dame, with rustle gown and checked apron, leading a reluctant urchin, stumbling along with his little three cornered scraper; the tears still trickling down his cheeks, forced from him by the painful operation of being shoved and shaken into his tight breeches for the first time. In the rear came an older boy, alternately casting an envious eye on the trim little fellow before him, and a despairing glance at his own clothes, which, drenched by repeated rains, hung in slovenly folds about his ancles.' p. 78.

The finest passages of this volume, however, as well as of Hobomok, are those of a pathetic kind. We refer as proofs of the author's talents in this department of composition, to the interview between Grace and Lucretia, in which the latter first discovers the fatal secret of Somerville's duplicity. The description of the deathbed of Grace is distinguished by beauties of the same kind.

'Grace, agitated by these events, and her slight form daily becoming more shadowy, seemed like a celestial spirit, which having performed its mission on earth, melts into a misty wreath, then disappears forever.

'Hers had always been the kind of beauty that is eloquence, though it speaks not. The love she inspired, was like that we feel for some fair infant which we would fain clasp to our hearts in its guileless beauty; and when it repays our fondness with a cherub smile, its angelic influence rouses all there is of heaven within the soul. Deep compassion was now added to these emotions; and wherever she moved, the eye of pity greeted her, as it would some wounded bird, nestling to the heart in its timid loveliness.

'Every one who knew her, felt the influence of her exceeding purity and deep pathos of character; but very few had penetrated into its recesses, and discovered its hidden treasures. Melody was there, but it was too plaintive, too delicate in its combination, to be produced by an unskilful hand. The coarsest minds felt its

witching effect, though they could not define its origin;—like the servant, mentioned by Addison, who drew the bow across every string of her master's violin, and then complained that she could not, for her life, find where the tune was secreted.

'Souls of this fine mould keep the fountain of love sealed deep within its caverns; and to one only is access ever granted. Miss Osborne's affection had been tranquil on the surface, but it was as deep as it was pure. It was a pool which had granted its healing influence to one, but could never repeat the miracle, though an angel should trouble its waters.

'Assuredly, he that could mix death in the cup of love, which he offered to one so young, so fair, and so true, was guilty as the priest who administered poison in the holy eucharist.

'Lucretia, now an inmate of the family, read to her, supported her across the chamber, and watched her brief, gentle slumbers, with an intense interest, painfully tinged with self reproach. She was the cause of this premature decay,—innocent indeed, but still the cause. Under such circumstances, the conscience is morbid in its sensibility, unreasonable in its acuteness; and the smiles and forgiveness of those we have injured, tear and scorch it like burning pincers.

'Yet there was one, who suffered even more than Lucretia, though he was never conscious of giving one moment's pain to the object of his earliest affection. During the winter, every leisure moment which Doctor Willard's numerous avocations allowed him, was spent in Miss Osborne's sick chamber; and every tone, every look of his, went to her heart with a thrilling expression, that seemed to say, "Would I could die for thee. Oh, would to God I could die for thee."

'Thus pillowed on the arm of friendship, and watched over by the eye of love, Grace languidly awaited the returning spring; and when May did arrive, wasted as she was, she seemed to enjoy its pure breath and sunny smile. Alas, that the month which dances around the flowery earth, with such mirthful step and beaming glance, should call so many victims of consumption to their last home.

'Towards the close of this delightful season, the invalid, bolstered in her chair, and surrounded by her affectionate family, was seated at the window, watching the declining sun. There was deep silence for a long while; as if her friends feared that a breath might scare the flitting soul from its earthly habitation. Henry and Lucretia sat on either side, pressing her hands in mournful tenderness; Doctor Willard leaned over her chair, and looked up to the unclouded sky, as if he reproached it for mocking him with brightness; and her father watched the hectic flush upon her

cheek, with the firmness of Abraham, when he offered his only son upon the altar. Oh, how would the heart of that aged sufferer have rejoiced within him, could he too have exchanged the victim!

'She had asked Lucretia to place Somerville's rose on the window beside her. One solitary blossom was on it; and she reached forth her weak hand to pluck it; but its leaves scattered beneath her trembling touch. She looked up to Lucretia, with an expression which her friend could never forget, and one cold tear slowly glided down her pallid cheek. Gently as a mother kisses her sleeping babe, Doctor Willard brushed it away; and turning hastily, to conceal his quivering lip, he clasped Henry's hand with convulsive energy, as he whispered, "Oh, God of mercies, how willingly would I have wiped all tears from her eyes."

'There is something peculiarly impressive in manly grief. The eye of woman overflows as readily as her heart; but when waters gush from the rock, we feel that they are extorted by no gentle blow.

'The invalid looked at him with affectionate regret, as if she thought it a crime not to love such endearing kindness; and every one present made a powerful effort to suppress painful, suffocating emotion.

'Lucretia had a bunch of purple violets fastened in her girdle, and with a forced smile she placed them in the hands of her dying friend.

'She looked at them a moment with a sort of abstracted attention, and an expression strangely unearthly, as she said, "I have thought that wild flowers might be the alphabet of angels, whereby they write on hills and fields mysterious truths, which it is not given our fallen nature to understand. What think you, dear father?"

'"I think, my beloved child, that the truths we do comprehend, are enough to support us through all our trials."

'The confidence of the Christian was strong within him, when he spoke; but he looked on his dying daughter, the only image of a wife dearly beloved, and nature prevailed. He covered his eyes and shook his white hairs mournfully, as he added, "God in his mercy grant that we may find them sufficient in this dreadful struggle."

'All was again still, still, in that chamber of death. The birds sung as sweetly as if there was no such thing as discord in the habitations of man; and the blue sky was as bright as if earth were a stranger to ruin, and the human soul knew not of desolation. Twilight advanced, unmindful that weeping eyes watched her majestic and varied beauty. The silvery clouds that composed

her train, were fast sinking into a gorgeous column of gold and purple. It seemed as if celestial spirits were hovering round their mighty pavilion of light, and pressing the verge of the horizon with their glittering sandals.

'Amid the rich, variegated heaps of vapor, was one spot of clear, bright cerulean. The deeply colored and heavy masses which surrounded it, gave it the effect of distance, so that it seemed like a portion of the inner heaven. Grace fixed her earnest gaze upon it, as the weary traveller does upon an Oasis in the desert. That awful lustre which the soul beams forth at its parting, was in her eye, as she said, "I could almost fancy there are happy faces looking down to welcome me."

'"It is very beautiful," said Lucretia, in a subdued tone. "It is such a sky as you used to love to look upon, dear Grace."

'"It is such a one as *we* loved," she answered. "There was a time when it would have made me very happy; but—my thoughts are now beyond it."

'Her voice grew faint, and there was a quick gasp, as if the rush of memory was too powerful for her weak frame.

'Doctor Willard hastily prepared a cordial, and offered it to her lips. Those lips were white and motionless; her long, fair eyelashes drooped, but trembled not. He placed his hand on her side; the heart that had loved so well, and endured so much, had throbbed its last.'

We close this article in the hope of soon hearing again from the same quarter. We shall be happy if our remarks should induce the author to select, for her future attempts, such subjects as will give full scope to the talents, which she indisputably possesses, and to bestow a little more care on the construction of her story, and especially on the unraveling of her plot. But at any rate, we trust, that she will not be discouraged from pursuing her literary labors, as we believe, that when the first feelings of disappointment shall have passed away, the present work, notwithstanding its many defects, will hold a high rank in the estimation of all admirers of descriptive and pathetic eloquence.

ART. VIII.—*Sketches of Algiers, Political, Historical, and Civil; containing an Account of the Geography, Population, Government, Revenues, Commerce, Agriculture, Arts, Manufactures, Tribes, Manners, Languages, and recent Political Events of that Country.* By WILLIAM SHALER, American Consul General at Algiers. Boston. Cummings, Hilliard, and Co. 1826. 8vo. pp. 308.

DURING the last three centuries, the Algerine government has exercised no small degree of influence in the affairs of Europe; and yet few countries on the globe, visited by civilized men, have been less known, than that region on the south shore of the Mediterranean, denominated the Kingdom of Algiers. A hundred years ago, Dr Shaw resided twelve years in the city of Algiers, as Chaplain to the English factory there, and his learned book of travels affords almost the only source of information, which has since been resorted to. As a work illustrating the classical history and antiquities of the country, this is undoubtedly most accurate and judicious; but it throws very little light on the origin, progress, and character of the Algerine government, its maxims, policy, and aims, its sustaining force and effects; nor on the manners and habitudes of the people, their social and moral condition, their agriculture and commerce, institutions, intelligence, and pursuits. Dr Shaw was a scholar and antiquarian, but not a practised observer of human affairs, nor a politician. This may be said, without detracting from his great merits in the departments of learning, and branches of inquiry, in which he is universally acknowledged to have excelled.

But since the time of Dr Shaw, many changes have occurred in Algiers, of which history has taken but an imperfect record, and which have operated with a decided influence on the people and the forms of government. Nor, indeed, is it too much to say, that there has been as little known to the world at large, down to the present day, about the internal state of Algiers, as of its condition when the chief power was usurped by the elder Barbarossa, or when the romantic enterprise of Charles the Fifth, in attacking the city, met with so signal and ruinous a defeat. In the midst of this poverty of knowledge respecting a nation, which, however unjustly, with whatever violation of the sacred laws of humanity, has been allowed to play a conspicuous part for centuries in European politics, it is gratifying, that

a gentleman of Mr Shaler's qualifications and opportunities should have given his thoughts to the subject, and laid before the world the results of his observations and long experience. He has resided ten years in Algiers, as Consul General from the United States, and in that capacity been engaged in important negotiations with the government, and enjoyed every possible advantage for acquiring information. His work was written on the spot. He has studied the policy of the civilized governments, in their intercourse with the Barbary powers, and become familiar with the springs, which have moved the Christian nations to their extraordinary and persevering alliances with these hordes of pirates, and professional plunderers of the human race. Mr Shaler has drawn aside the veil, which concealed these dark and disgraceful proceedings, and shown, that the piratical states themselves have always existed, as a mere mockery of properly and legally organized governments, the deep reproach of a civilized age; and he has, moreover, shown, that the European powers, in courting and sustaining treaties of alliance with them, have been actuated, could be actuated, by no other than the lowest motives of selfishness, jealousy of rival influence, and mercenary aims.

There never was a time, when any one of the great maritime powers of Europe could not have routed these bands of pirates from their strong holds, driven them into the deserts, or expelled them, as enemies of the human kind, from the face of the earth. Yet they have been suffered to exist, to assume rights, to claim the dignity and privilege of civilized governments, to make treaties and break them at will, to prey upon the commerce of every nation, to enslave their prisoners, exact tribute, levy exorbitant contributions, impose degrading terms of submission, and, in short, to commit every act of infamy and injustice, to which their cupidity and daring spirit of evil prompted them. All these things have been quietly endured, nay, winked at, encouraged, promoted, by the nations themselves who were the subjects of these shameless insults, and whose duty it was for their own honor, and the honor of human nature, to punish such gross infractions of right, and crush the audacious power that dared commit them.

The existence of the piratical states of Barbary, as governments tolerated by civilized nations, is an anomaly in the history of the world. They have never, till very recently, made any pretensions to an observance of the laws of nations. Their

primary political maxim has been, that they were naturally at war with all Christian nations, who did not purchase a peace at a heavy price, and maintain it by a degrading annual tribute. This was the way the United States first made peace with them, and to our shame be it spoken, we were tributaries to these despicable robbers till within the last twelve years. But not only did they trample on the laws of nations, in this fundamental article of peace and war, but they made slaves of their prisoners, and demanded for them an exorbitant ransom. Treaties they regarded not, any longer than it suited their convenience. A pretext for breaking a treaty was always at hand, and from that moment war was understood to exist, without any previous declaration or notice to the other party concerned. Then the Corsairs began their depredations, scoured the Mediterranean, seized every vessel that came in their reach, and brought it into port, where the cargo was confiscated, and the crew condemned to slavery. Instead of chastising such an outrage, as its infamy deserved, the insulted nation deemed it policy to sue again for peace, to pay an enormous sum by special agreement and in presents as the price of conciliation, to redeem the prisoners in slavery, and submit to the humilating condition of sending an annual tribute to a band of freebooters. Thus were treaties made and broken merely as a means of plunder, and thus did the mutual jealousies, the contemptible policy, of the European powers, not only give countenance to each other in such humbling practices, but maintain in their consequence for ages these bloodthirsty enemies of the human family.

Mr Shaler's work is confined to the kingdom of Algiers, touching on the other Barbary states only as they bear a general analogy to this. He begins with a geographical view of the country; its soil, productions, and population. He then comes to its history and form of government; political and civil institutions; finances, army, and navy; its piratical character, and political relations with foreign powers. Next we have a description of the city of Algiers, its topography, fortifications, public edifices, private dwellings, and streets; its commerce, wealth, and police; the character and manners of the people, their arts and manufactures, and the condition of the Christian and Jewish residents. Then follows a description of the various tribes inhabiting the kingdom of Algiers, their peculiarities, religion, and languages; and also a very animated sketch of the history of the Algerine government during the last fifteen years. The main body of

the work is closed by some interesting reflections of the author on the probable destiny of that country, as highly favored by nature, as it is miserably degraded by its government. A supplementary chapter contains extracts from the American Consular Journal kept at Algiers, narrating a series of curious events, illustrative of the genius of the government, and its habits of intercourse with foreigners. In the Appendix are thrown together several documents of value.

The territory usually known as the Kingdom of Algiers, stretches along the south shore of the Mediterranean about five hundred miles, from the eastern border of the Empire of Morocco, to the western boundary of Tunis. Its breadth inland from the sea is very uncertain, but is supposed to vary from forty to a hundred miles. The surface thus included, by Mr Shaler's estimate, is in extent about thirty thousand square miles, being not quite half as large as the state of Virginia. The amount of population is not known, as no enumeration has been taken, but our author considers it not far from a million. This would make thirtythree persons to a square mile, or about the average of the state of Delaware. This region embraces ancient Numidia, and that part of Mauritania Tingitana, which, after its conquest by Cæsar, was called Mauritania Cæsariensis. It was the land of heroic deeds, the domain of powerful kings, renowned for its opulent cities, and brave, though artful and treacherous inhabitants. At length it was subdued by the arms of Rome, and became a dependent province of that empire. It was here that the Romans fought and conquered

> Numidia's hardy troops,
> Mounted on steeds, unused to the restraint
> Of curbs and bits, and fleeter than the winds.

Sallust, the historian, was once governor of this province; and to this circumstance, probably, we are indebted for his beautiful history of the wars in Africa. The celebrated Christian Father, Augustin, was also born in this region, and resided, as bishop of Hippo, in the eastern part of Algiers, near the present site of Bona.

Nature has been bountiful here; the climate is agreeable and salubrious; the surface of the country is variegated with hills and valleys; the soil is fertile, yielding abundantly the products of the most favored climes. The industry and moral energies of man, and a government giving scope to these, are all that is wanting to build up communities of prosperous and happy peo-

ple. Internal protection, and external commerce, unshackled by monopolies and vexatious restrictions, would make this belt of land between Mount Atlas and the Mediterranean sea, one of the most productive, wealthy, and populous portions of the globe. Wheat and barley are cultivated with success; olives and dates are abundant, and of the best quality; and also the walnut and chesnut, figs, pomegranates, grapes, and other fruits of temperate climates. The only metallic products as yet discovered are iron and lead. Fossil salt is found in the mountains. As the country is well watered by springs and small streams, though not abounding in rivers, it affords excellent pasturage and facilities for the rearing of camels, horses, neat cattle, sheep, goats, and other domestic animals. Wool is now an important article of commerce. The various species of the winged tribe and of game, usual in similar climates of other countries, are common here. But on this topic we need not enlarge; Numidia is famed in ancient story for its fine climate and productive soil; nor, during the long ages in which this soil has been defiled with human bloodshed, and disgraced by the monsters nourished by it, has nature withdrawn her gifts, or turned away her smiles.

Man seems the only growth that dwindles here.

Little profit would be gained in pursuing the thread of Algerine history from the Romans downward. These proud conquerors of the world were driven from their African possessions by the Vandals, and these again were expelled by the great general, Belisarius, under the Emperor Justinian, about the middle of the sixth century. A hundred years afterward another revolution was effected by the Saracens. From that time till the beginning of the sixteenth century, a veil of darkness is spread over human events in the north of Africa, through which we dimly discover various tribes of Arabs, the Zinhagians, the Zeneti, and the Marabouts, contending with the Saracens and with one another, for the mastery of the country. Meantime the Spaniards made incursions, and established themselves at Oran, and other cities in the neighborhood of that place; and this period, that is, the early part of the sixteenth century, presents an important era in Algerine history.

Among the renowned personages of that day were Horuc and Hayradin, sons of a potter in the Isle of Lesbos, whose restless spirit drove them to the perilous and thrifty occupation

of pirates. In this calling they gained fame and wealth, collected a strong naval force, ravaged the seas, and spread the terror of their name in every corner of the Mediterranean. Horuc, the elder brother, was called Barbarossa, and this chief of the pirates was the ally to whom Eutemi, king of Algiers, applied to aid him in expelling the Spaniards from Oran. The proposal was joyfully accepted by Barbarossa, who repaired immediately to Algiers with five thousand men. He was received with enthusiasm, and, by his profuseness and artifices, so strong a footing did he gain with the people, that he murdered Eutemi, usurped his authority, and declared himself king of Algiers. He ruled with cruelty, and made war on the king of Tremecen, whom he vanquished, and whose dominions he seized. Two years after his usurpation, he was slain by the Spaniards, in attempting to escape from Tremecen.

His brother Hayradin, not inferior to him in talents and ambition, succeeded to the throne of Algiers. He was likewise called Barbarossa. Thus the dynasty of the pirates was established, and from that day to this the sceptre of empire, however legitimate may have been the descent of power, has been wielded by the hand of a pirate. This second Barbarossa, finding himself harassed by the Arabs and Moors on one side, and by the Spaniards on the other, sought the protection of the Grand Seignior, and Algiers became a dependency of the Ottoman Porte. This relation has subsisted under various modifications ever since. It was a wise step for Barbarossa; he obtained forces to drive away his enemies, and even strengthened his power by conquests. His successful attack on Tunis, and his subsequent expulsion from that city by Charles the Fifth, are curious events in the history of those times; and not less so is the hazardous expedition of Charles against Algiers, five or six years later, in conjunction with the great admiral, Andrew Doria, which terminated in a disastrous and total failure.

Barbarossa was raised to the dignity of Bashaw of the empire, and a new viceroy appointed over Algiers. The Porte exercised the power of appointing governors, till the beginning of the seventeenth century, when the Algerines, weary of the oppression of their foreign masters, obtained the privilege of choosing their own governors, who were from that period called *Deys* by Europeans. They still paid tribute to the Grand Seignior, and submitted to the authority of the Bashaws appointed by him; but in the year 1710, they expelled the Turkish Bashaw, and from

that time the powers of this office were united with that of the Dey, and the form of government was instituted, which has continued to the present time.

The Algerine government, as it now exists, cannot be better described, than in the words of Mr Shaler.

'It is in fact,' says he, 'a military republic with a chief elective for life, and upon a small scale resembling that of the Roman Empire after the death of Commodus. This government ostensibly consists of a sovereign chief, who is termed the Dey of Algiers, and a Divan, or great Council, indefinite in point of number, which is composed of the ancient military who are or have been commanders of corps. The Divan elects the Deys, and deliberates upon such affairs as he chooses to lay before it.

'Such is the theory of the Algerine Government. The credit and importance of the Divan would naturally vary according to the character and abilities of the reigning sovereign; it was formerly a real corps in the state, held regular sessions, had funds attributed to it, and claimed to determine upon all the measures of government; but it has dwindled into a mere phantom; its existence even would be doubtful if, in the year 1816, Omar Pashaw had not formally convened the Divan to deliberate upon the negotiations of the Regency with Great Britain. Since the removal of the residence of the Deys of Algiers into the Citadel, the Divan may be regarded as a dead letter in their constitution. The Dey appoints his own ministers, which are the Hasnagee, whose authority extends over the national finances and interior concerns; the Aga, who is commander in chief, and may be termed minister of war; the Vikel Argée, or minister of marine and foreign affairs; the Khodgia de Cavallas, who may be denominated Adjutant General, and superintendant of the national domain; and the Bet el Mel, or judge of inheritances. The post of the latter functionary has risen to great consideration on account of its pecuniary importance. These ministers form the cabinet council of the sovereign, and with him constitute in fact the real government of Algiers, free of any control by the pretended Divan. The election of the Deys of Algiers should be confirmed by the Grand Seignior, who is their acknowledged Suzerain (paramount lord). This recognition is never refused, and is by custom given with the rank of Bashaw of three tails, which is his ordinary title. That of Dey is hardly known in Algiers, and is used only by foreigners; it was probably originally a nickname, as its literal meaning in the Turkish language is simply, "uncle."

'The Deys of Algiers assume and exercise all the rights of

sovereign authority immediately on their election; their solemn installation takes place only when they receive the firman of the Grand Seignior recognising their election, with the Kaftan and sabre of state, which are usually sent as soon as may be by a Capidgi Bashi or state messenger. In times of prosperity Algiers sends a present to the Grand Seignior once in three years, which is usually transported there with their ambassador by a foreign ship of war; and such is still the credit of the Regency, that it is always the government most favored here, which obtains this mission as a mark of honorable preference. This present is always magnificent, often amounting in value to half a million of dollars; and it appears to be the only dependence which they recognise upon the Ottoman government, whose flag even, in the intoxication of their fancied power, they have not always respected. In return for these presents the Porte usually sends them a vessel of war, with military and naval stores, &c. and gives them permission to recruit in its dominions.

'Though the election of the Dey of Algiers is by the institutions of the Regency vested in the Divan, it is usually the result of the intrigues of a predominant faction amongst the Janissaries, and is generally a sanguinary tragedy. A Dey is murdered to make room for some more fortunate adventurer; his immediate friends and adherents perish, or are plundered and exiled, and the public business or tranquillity is not interrupted beyond twentyfour hours. These revolutions succeed each other with a rapidity, which can hardly be credited by those who are unacquainted with the barbarous character and manners of the Turks. A Dey of Algiers, while alive, is the most despotic and implicitly obeyed monarch on earth; but his reign is always precarious, and it is by *mere accident* if he dies a natural death. Any Turk who has been regularly enrolled in the corps of Janissaries is eligible to the eminent post of Dey, except the natives of Bosnia and of Crete; no other qualifications are required, and the caprice of fortune has sometimes raised the most obscure and ignoble characters to the throne. Tradition points out the graves of seven adventurers who were raised to the throne and perished on the same day; as a mark of contempt they were interred in the public highway. Neither can a person elected refuse or resign the honor of ruling in Algiers; he must either reign or perish.' pp. 16—19.

The kingdom of Algiers is divided into three provinces, Oran on the west, Titterie in the middle, and Constantine on the east. Each of these provinces is governed by a Bey appointed by the Dey. These subordinate officers rule with the same despotic

sway as their sovereign. They are required to collect the taxes from the people, and once in three years to appear in person at the seat of government, when they are expected to give enormous presents to all the persons high in power, to secure their own continuance in office. 'I am informed on respectable authority,' says the author, 'that each visit of the Beys of Oran and Constantine costs to those governors not less than three hundred thousand dollars. On these occasions it is necessary to bribe all the officers of the Regency, according to the different degrees of their credit and influence. No part, however, of these extraordinary contributions goes into the public treasury.' Here we have the secret of the extreme oppression, practised by these Beys on the people. The continuance of their office depends on their success in plundering those under them, and on this principle is the administration of government conducted through all its departments, from the highest to the lowest. Power is employed to sustain itself, by extorting from the weak the means of bribing the more powerful, and this in addition to the amount necessary to gratify the rapacity of the subordinate officers themselves.

The government of Algiers exhibits a very extraordinary peculiarity, as to the mode in which it is perpetuated. It is a rule seldom violated, that all the principal officers shall be taken from among the foreigners, who have been incorporated into the body of Janissaries. The desire of establishing a hereditary succession, or of keeping up a family influence, which has been so strong in other ages and countries, and which may perhaps be considered a trait deeply seated in human nature, seems never to have shown itself here. Children derive no consequence from the station their fathers have held; and the whole mass of the natives of the country, that is, nearly a million of people, have submitted for three centuries to be ruled and scourged by a handful of foreigners, consisting of Turks and renegadoes collected commonly from the most worthless population in the Levant, who, as Mr Shaler says, 'are generally the sweepings of prisons, and the refuse of society in those barbarous countries.' The number of these foreigners now embodied in Algiers is about four thousand.

'Agents are maintained by the Regency in Constantinople and Smyrna to engage recruits and charter vessels for their transportation hither. On their arrival they become *ipso facto* soldiers, are denominated Janissaries, and are incorporated into the differ-

ent barracks of the city, to which they are supposed to belong during life, whatever may be their subsequent fortunes. In these quarters, if not called by some happy accident into the administration, they rise by seniority to the highest grade of pay, and become members of the pretended Divan; where they must be very inept indeed, if they do not obtain some profitable employment.

'The pay of the Janissaries at its commencement, on their arrival as recruits from the Levant, hardly exceeds half a dollar per month, but by length of service is gradually increased to about eight dollars, which is the maximum. Of late years, however, it has been a common practice of the Deys of Algiers to augment the pay of the Janissaries, in order to enhance their popularity. A corps thus constituted, is of course always ripe for a revolution. Their rations consist of about two pounds of indifferent bread daily, and all who are unmarried are lodged in very spacious and commodious barracks; they find their own clothing, and their own arms and ammunition, which latter are furnished to them by the government at moderate prices. A Janissary, when equipped for battle, has one or more pairs of large pistols in his belt, with his scimitar or yatagan, a dagger in his bosom, and a long musket on his shoulder; all which are as highly ornamented as his circumstances will permit. When, costume included, he is not unfairly represented by the knave of diamonds in a pack of cards.' pp. 27, 28.

From this description of persons the Deys are chosen, and all the great officers of state appointed.

The military establishment is composed of natives, as well as Turks, and amounts to about fifteen thousand men. They are stationed in different parts of the country, and employed chiefly in collecting the revenue. These are distinct from the Janissaries, and very loosely organized. The naval force consists of three frigates, two corvettes, two armed brigs, five schooners, one polaccre, and one xebec; in all, fourteen vessels.

To illustrate the mutation of human affairs in Algiers, arising out of the peculiar nature of the government, Mr Shaler relates the following anecdote.

'During the summer of my arrival here, an old Turk called on me, announcing himself as a Rais, or Captain in the navy; and informed me that he had made a voyage from this place to Constantinople, with Commodore Bainbridge, as attached to the Algerine legation carried there by that officer in former times. He expressed the most friendly regard for the Commodore, and to inquire after his health and welfare appeared to be the principal

object of his visit; but on taking leave, he informed me that he had no employment, and was very poor, and requested me to lend him a dollar, which I did, and assured him that whenever his necessities required it, he might apply to me with the certainty of finding such relief as I had it in my power to give him. I afterwards frequently met this old gentleman on public occasions, when he would modestly offer me a friendly pinch of snuff at a respectful distance from the official characters I was visiting. A few years after, this old man was raised to the eminent post of Hasnagee, or prime minister, which he now holds, at the age of about ninety years, and is in the receipt of at least fifty thousand dollars per annum.' pp. 31, 32.

The depredations of the Algerines on the commerce of the United States began early. According to their custom of being at war with all Christian nations, who did not purchase a peace, they declared war against us immediately after the recognition of our independence by the European powers. In July, 1785, two American merchant vessels, one commanded by Captain Stevens, and the other by Captain O' Brien, were seized by the corsairs, and taken to Algiers, where the officers and men, amounting in the whole to twentyone persons, were consigned to slavery. For the ten years following, our commerce was protected against these pirates by the Portuguese, who were at war with them, and who kept a maritime force in the Straits of Gibraltar, sufficient to prevent the Algerine cruisers from passing into the Atlantic ocean. Meantime various expedients were resorted to, by the government of the United States, to redeem their unfortunate countrymen from slavery. These all proved unsuccessful, chiefly on account of the exorbitant demands of the pirates. It was thought not more a dictate of policy, than of benevolence, to refrain from gratifying these demands, as a compliance to this effect would operate as an additional incitement to future aggressions. The amount required for the ransom of twentyone persons was fiftynine thousand four hundred dollars. An effort was made to negotiate for the redemption of the prisoners, through the society of Mathurins in Paris, instituted for the purpose of redeeming Christian captives from infidels, but the attempt was ineffectual. Eight years were thus consumed, without coming to any terms with Algiers, or rescuing these American citizens from bondage.

Affairs assumed a new aspect in 1793, when a truce between Portugal and Algiers was stipulated through the mediation of the

British government. This opened a passage for the corsairs into the Atlantic, and in a few months they captured eleven American vessels, containing one hundred and nine officers and seamen, who were all reduced to slavery. From that time more earnest exertions were made to procure a peace with Algiers, and the sympathy of the country was universally awakened in behalf of the suffering captives. The business was entrusted to Colonel Humphreys, the minister from the United States to Portugal, who despatched Mr Joseph Donaldson to Algiers, as commissioner to negotiate a treaty of peace. A time, more unpromising to the interests of the United States for executing such a treaty, could hardly have occurred. The truce with Portugal, and peace with other powers, had left the Dey's corsairs almost without employment. M. Skjoldebrand, brother of the Swedish Consul in Algiers, who had been consulted in this matter, wrote to Colonel Humphreys as follows. 'The Dey declared to me, that his interest does not permit him to accept your offers, even were you to lavish millions upon him. Because, said he, if I were to make peace with every body, what should I do with my corsairs? They would take off my head for the want of other prizes, not being able to live upon their miserable allowances.' Mr Donaldson succeeded, however, in forming a treaty, (September, 1795,) on terms as degrading to the American nation, as they were necessary in the exigencies of the case. The United States became bound to pay the Regency of Algiers upwards of seven hundred thousand dollars, as the price of peace and the ransom of the captives, and to render an annual tribute, payable in military and naval stores, the entire charges of which would amount to above seventy thousand dollars yearly.*

Owing to the difficulty of procuring funds, the conditions of the treaty were not fulfilled so soon as the Dey expected. He became impatient, expressed apprehensions that the delay was intentional, and threatened to renew the war and send out his cruisers. In this extremity, the American Commissioners, Joel Barlow and Mr Donaldson, agreed that their government should make the Dey a present of a frigate, if he would wait three months longer. This proposal was acceded to, and before the three months had expired, the requisite funds were received.

* By the Purveyor's Estimate returned to the Secretary of the Treasury in 1796, the cost of the two first years' annuities to the Dey and Regency of Algiers was $144,246.

Thus was a peace concluded with Algiers, which cost the United States first and last more than a million of dollars, and left them tributary to a horde of pirates.*

This treaty continued in force till 1812, when it suited the Dey's policy to break it, and to adopt a course, which, says Mr Shaler, 'has drawn upon the Algerines, either directly or indirectly, greater calamities than they ever before encountered, and its effects will probably cease only with the extinction of their independence as a piratical power.' The motives inducing to this step need not here be developed.

'The epoch which was selected by the reigning Dey of Algiers for a declaration of war against the United States, gave to it a character of the most deliberate and determined hostility. On the seventeenth of July of the above year, (1812,) an American ship called the Alleghany, arrived here with the tribute in military and naval stores, which was then due from the United States to the Regency. This vessel was received with demonstrations of apparent satisfaction, and was begun to be unloaded, when the Dey sent for the invoices and bills of lading of all her cargo. When they were explained to him, he expressed the utmost discontent at not finding the quantity of powder, and large cables, that he pretended to have positively required, and great indignation at the same vessel having been made the means of conveyance of some gunbarrels for Morocco, that were landed at Gibraltar, and of some small quantities of private property; which he affected to regard as personally disrespectful.

'He ordered, in consequence, that the Consul should pay in cash the amount due from the United States to the Regency, and depart on the twentyfifth of the same month, with his family and all American citizens that might be here, on pain of the ship and cargo being confiscated, and himself, his family, and his countrymen here, reduced to slavery. The Consul, keeping steadily in view what he regarded as the interests of his country, made all proper remonstrances against this arbitrary proceeding, but in vain, and was compelled to depart on the day named. In September following, a small American brig, of little value, with a crew of eleven persons, was sent into Algiers as a prize to their

* The correspondence between ministers, consuls, agents, and other persons, and also the Messages of the President, and Reports of the Secretary of State, respecting the relations between the United States and Algiers, down to the period of ratifying this treaty, may be found among the 'Confidential Documents,' published in the tenth volume of American State Papers.

cruisers. This insignificant prize proved to be the only advantage that they ever obtained from a war which they had declared with so much arrogance, and, in their opinion, with prospects of the most brilliant success. In the following year, the American government made an indirect attempt to ransom their captives in the power of the Algerines, who positively rejected any negotiation on the subject, alleging that they regarded their American slaves as above any pecuniary ransom.' pp. 120—122.

During the war with England, which existed at this period, the attention of our government was but partially drawn to these outrages of the Algerines; but as soon as peace was restored, by the ratification of the treaty of Ghent, the Congress of the United States declared war against the Regency of Algiers, and made such appropriations as to render the means of conducting it prompt and efficient. The degradation of paying tribute to lawless banditti, and of being subjected to their caprice, was no longer to be endured. A squadron was fitted out for the Mediterranean, under the command of Captains Bainbridge and Decatur, and these two commanders were appointed commissioners, conjointly with Mr Shaler, to propose and conclude a treaty of peace. The first division of this squadron, under Commodore Decatur, with Mr Shaler on board, sailed from New York in May, 1815. Early in the succeeding month they arrived in the Mediterranean, and soon captured an Algerine frigate and brig. A few days afterward, the squadron appeared off Algiers, and the two commissioners propounded to the Regency the terms on which they were authorized to renew the peace. At that time the Algerine cruisers were at sea, and such was the imposing attitude of the American squadron, and the impression made by the recent captures, that the conditions dictated by the commissioners were immediately assented to. From the date of this treaty, all tribute from the United States to these pirates was abolished, the laws of nations were recognised, and the American government was ever after to stand on the same footing, as the most favored nations. The captured frigate and brig were by agreement given up to the Dey.

After this treaty was concluded, Mr Shaler landed in Algiers as Consul General from the United States, which station he has held ever since. The Dey, stimulated probably by the agents of a foreign power, sought a pretence to break the treaty, and renew hostilities; but the differences were settled by the prudent management of the Consul, and peace has not since been

interrupted. While the present policy of the European governments exists, however, it is necessary for the United States to keep a respectable naval force in the Mediterranean, to impress on these depredators the certainty, that any attempts to resort to their old practices will meet with a prompt and exemplary chastisement. In short, however much the causes are to be deprecated, yet it is a truth of no small moment, that the service to which our navy has been called, in humbling the Barbary pirates, has been a primary source of its own increase, and of our character and prowess as a nation.

In the year 1816, Algiers was bombarded by the combined English and Dutch fleets, under command of lord Exmouth, with entire success. Peace was made on such terms as the admiral chose to dictate. By one article of the treaty, Christian slavery was forever after abolished in Algiers. It is about fifty years since private cruising for prisoners, with the view of enslaving them, was prohibited. It then became a monopoly of the government. Whatever may be the fate of the treaty just mentioned, the spirit of the age will hardly allow this practice to be renewed for any length of time. The powers, which are still disgraced by a tribute to the Algerine pirates, are Naples, Sweden, Denmark, and Portugal, each of which pays annually twentyfour thousand dollars, besides presents, and other tokens of degradation, whenever there is a change of consuls.

Mr Shaler's third chapter is devoted to a full, instructive, and highly entertaining description of the city of Algiers. After a residence there of ten years in a public station, with no ordinary habits of practical and philosophical observation, he must have been peculiarly well qualified for writing such an account. Whoever reads it, with all the reasonable expectations excited by these circumstances, will not be disappointed. The topography of the city, its fortifications, public buildings, and police, as well as the character of the people, their pursuits, and customs, receive a brief and discriminative examination.

Algiers is situate on the side of a hill, which rises by a sudden ascent from the seashore, and, as the houses are whitewashed, it has a brilliant and picturesque appearance when approached from the sea. It is surrounded by a high wall; the streets are extremely narrow, and the houses flat roofed, after the eastern fashion. The fortifications of the harbor are so formidable, as to make an attack by ships alone a hazardous undertaking. They have been strengthened since lord Exmouth's bombard-

ment. The Casauba, a strong citadel, commands the town and the batteries.

The population of the city was estimated at one hundred thousand by Dr Shaw, and some other writers have placed it one third higher, but our author thinks it does not exceed fifty thousand. The public buildings consist of nine mosques, three colleges, five bagnios, barracks for the Turkish soldiers, bazars, or market places, and the palace formerly occupied by the Deys. The city is governed by officers distinct from those, who administer the government of the kingdom, and these officers are commonly natives. This local city government is highly commended by the author, who observes, that 'there is probably no city in the world, where there is a more vigilant police, where fewer cognizable crimes are committed, or where there is better security for person and property.' This statement exhibits a singular contrast with the barbarous tyranny of the Turkish rulers, but Mr Shaler is particular in discriminating between the character of the native Algerines, and their Turkish masters. He thinks wrong impressions have gone abroad, respecting the natives. 'They are,' says he, 'a people of very insinuating address, and in the common relations of life, I have found them civil, courteous, and humane.' He speaks, moreover, of their toleration. Although superstitious, and rigidly attached to the Mohammedan faith and ceremonies, yet they manifest no special hostility to those, who adopt different modes of faith and worship.

The train of circumstances, connected with the mode of government in this country, has produced a peculiar effect on the state of property.

'A consequence of the uninterrupted prosperity of Algiers, for so long a course of years, has been the accumulation of great wealth in private families, through their alliances by marriage with the Turks. Thus, though all the power is exclusively in the hands of the latter, the fortunes which they acquire are gradually absorbed into the native families, where they generally remain unmolested. Nothing can be more insecure than the fortune of a living Turk; but that of a native, who is ineligible to any important public employment, and consequently passive in all political revolutions, is as well protected here as in any other country. From the operation of these causes, Algiers may be regarded as one of the richest cities in metallic wealth in the world. The aged widow of Achmet Pashaw, with whom the United States concluded their first peace with the Regency, lately died here, and is reputed to have left a fortune of several

millions of dollars. The heirs of Mustapha Pacha, his successor, from whom the Consular dwelling of the United States is rented, possess real estate in the city and immediate neighbourhood, worth half a million of dollars. Both of these chiefs were publicly executed.' p. 53.

As all the great officers of the government have for centuries exercised their power to grasp and hoard, and as the families of these persons have rarely left the country, it is easy to see that large fortunes must have been accumulated in the hands of individuals. It was only necessary that laws, suitable for protecting property thus acquired, should exist and be respected, which it seems has been the case. The hoarded treasures of the Dey are estimated at fifty millions of dollars.

Various customs, prevailing among the people, are described by the author. We select his account of that relating to marriage.

'Ladies of condition seldom or never walk abroad. Though these secluded dames bloom as it were in the desert, from the complaints of their husbands respecting their extravagance in dress, it may be inferred, that they exercise no inconsiderable portion of influence in society, and are perhaps silently preparing the public mind for a restoration of the rights, of which barbarism and ignorance have defrauded them.

'There are few Algerines who avail themselves of the Mohammedan law which allows a plurality of wives; they are generally contented with one, to whom however is attached a number of black female slaves, according to the wealth and dignity of the parties. Marriages in general in Algiers are contracted much as elsewhere in Mohammedan countries; but the nature of their government, and the consequent condition of the superior classes, have had a silent and sure effect in favour of the sex. It is unreasonable to suppose that a rich heiress, and there are always many in Algiers, would be delivered up as a slave to the caprice of the barbarian who espouses her; conditions are therefore made in the marriage contract, which place her on a certain equality with her husband, or at least protect her from arbitrary ill treatment. It would be injurious to the understandings of the ladies to suppsuppose, that they have not improved these advantages; their effects have been gradually extended, and the consequence has been, that the Moorish women are less slaves to their husbands, than to custom and long received notions of decorum and propriety.

'Marriages are planned and contracted through the agency of the mothers and female relations of the parties, the women of

Algiers having a free intercourse with each other, either at their own houses or at the public baths, which are much frequented by them, and in the afternoon they are sacred to their use. Marriages amongst the superior classes are frequently celebrated by the women with much eclat. On these occasions, the female relations and friends of the parties assemble together and enjoy themselves during several days, to the utter discomfiture of the men, who are then either driven out of the house, or to hide themselves in some corner, where they can neither see nor be seen by the joyous band.' pp. 62, 63.

We have before observed, that there are colleges in Algiers. These, as far as we can learn, are a sort of Mohammedan theological seminaries, designed for instructing persons in the doctrines of that faith, and qualifying them to be priests in the mosques, and religious teachers of the people. It is creditable to the citizens of Algiers, that one of these colleges is exclusively set apart for the instruction of the Kabyles, who are natives of the interior, and reside in the city as servants and laborers. But as the whole extent of Algerine literature is confined to the Koran, and such a thing as a printing press is rarely found in all the regions, where the creed of the Prophet predominates, it is not to be supposed, that the business of education has been carried to a very high degree of perfection.

'Common schools are, however, numerous in Algiers, where boys of the age of five or six years and upwards, are taught to read and write. From the invariable character of the customs of these countries, I am induced to believe, that their practice is the probable origin of the Lancasterian system of tuition. Each scholar is provided with a board, upon which anything may be fairly written with chalk, and easily effaced; a lesson from the Koran is transcribed in fair and legible characters upon one of these boards, which is then copied upon all the others, the scholars mutually teaching each other, both in the meaning and in the formation of the letters of the text. These lessons are loudly rehearsed to the pedagogue, who sits upon his heels in a corner with a long rod, through the terror of which he maintains order and due attention among his scholars. Thus reading and writing are taught simultaneously, and the beautiful uniformity that characterizes the Arabic handwriting, is probably owing to this method of tuition. The education of the Algerine youth is completed when, having learnt to read and write the Koran, he is duly instructed by the same preceptor in the forms and modes of prayer. The expenses of this course of education are very

trifling, and I am informed that similar schools are kept by women for the instruction of young girls.' pp. 57, 58.

In the city of Algiers are about five thousand Jews, whose condition is far from being enviable.

'They are governed by their own laws in civil cases, administered by a chief of their own nation, who is appointed by the Bashaw; as Algerine subjects they may circulate freely, establish themselves where they please, and exercise any lawful calling throughout the kingdom; and they cannot be reduced to slavery. They pay a capitation tax, and double duties on every species of merchandise imported from abroad; as elsewhere, they practise trade in all its branches, and are here the only brokers and dealers in money and exchanges; there are many gold and silver smiths amongst them, and they are the only artificers employed in the mint.

'Independent of the legal disabilities of the Jews, they are in Algiers a most oppressed people; they are not permitted to resist any personal violence of whatever nature, from a Mussulman; they are compelled to wear clothing of a black or dark colour; they cannot ride on horseback, or wear arms of any sort, not even a cane; they are permitted only on Saturdays and Wednesdays to pass out of the gates of the city without permission; and on any unexpected call for hard labour, the Jews are turned out to execute it. In the summer of 1815, this country was visited by incredible swarms of locusts, which destroyed every green thing before them; when several hundred Jews were ordered out to protect the Bashaw's gardens, where they were obliged to watch and toil day and night, as long as these insects continued to infest the country.

'On several occasions of sedition amongst the Janissaries, the Jews have been indiscriminately plundered, and they live in the perpetual fear of a renewal of such scenes; they are pelted in the streets even by children, and in short, the whole course of their existence here is a state of the most abject oppression and contumely. The children of Jacob bear these indignities with wonderful patience; they learn submission from infancy, and practise it throughout their lives, without ever daring to murmur at their hard lot. Notwithstanding these discouraging circumstances in their condition, the Jews, who through their correspondence with foreign countries are the only class of Algerine society possessing any accurate knowledge of external affairs, meddle with all sorts of intrigue, even at the risk of their lives, which are not unfrequently forfeited in consequence. The post of chief of the Jews is procured and held through bribery and

intrigue, and is exercised with a tyranny and oppression corresponding to the tenure by which it is retained. During the times of prosperity of the Regency, several Jewish houses of trade rose here to great opulence, but of late years, through the intolerable oppression under which they live, many wealthy individuals have been ruined, others have found means to emigrate, and the Moors, who have a singular aptness for trade, are daily supplanting them in the different branches of commerce practicable in this country; so that they appear now to be on a rapid decline even as to their numbers. It appears to me that the Jews at this day in Algiers, constitute one of the least fortunate remnants of Israel existing.' pp. 65—67.

The kingdom of Algiers is inhabited by tribes of men, differing in some essential respects from each other. A large part of the population consists of Moors, a mixed race, descended from the ancient Numidians, or Mauritanians, the Arabs, Spaniards, and Turks, who have from time to time found their way into the country. It is obvious, therefore, that the Moors, as a class, exhibit a great variety of moral and physical traits, according as they are more or less nearly allied to any one of the original stocks, from which they are derived. Besides this compound race, there are other tribes inhabiting the interior of the country, who maintain their distinctive characteristics, such as the Arabs, Biscaries, Mozabis, and Kabyles.

The Arabs are wanderers, as in other regions where they are found, both in Africa and Asia. They live in tents, rear flocks, are governed by their own chiefs, or sheichs, and when they are weary of the oppression of the Beys, or governors of the provinces, they remove farther from their reach, and perhaps go off into the Sahara,* and enjoy an entire independence. The Biscaries are a more quiet people, inhabiting the borders of the desert, yielding submission to the Regency of Algiers, and speaking a broken dialect of the Arabic. The author thinks they were orignally of Arabian descent, but have become mingled with the Africans, and assumed their habits. The Mozabis dwell in a distant region at the south, quite beyond the limits of the dominions of the Algerines, and are independent of their government. They have mercantile relations with Algiers; many of them reside there, with specific privileges of trade, and with an Amin, or public officer, who is recognised as consul

* This word, so common in all accounts of Africa, is pronounced with a strongly aspirated accent on the first syllable, *Sah'ara*.

from their nation. But, among the different tribes found in the North of Africa, the Kabyles seem to be the most remarkable. They are otherwise called Berebers. They live in the mountainous districts, independent of the Algerine government, forming a population so numerous, that were they not divided into a great number of small tribes, perpetually at war with each other, they would soon constitute a power too formidable for the Regency to control.

The Kabyles speak a language, called the *Showiah*, having, as far as has been discovered, no resemblance to those spoken by the other tribes, and which, there are many reasons to believe, is of great antiquity. It is supposed to be identified with that of the Tuaricks, who inhabit the interior parts of Libya to the borders of Egypt. Should this position prove correct, and there are strong grounds for sustaining it, the Tuaricks and Kabyles must be considered people of the same origin. That is, the same people and the same language prevail throughout the whole northern range of Africa, from the Atlantic to Egypt, and this people and language show marked peculiarities, which distinguish them from any other now known. Their origin, therefore, becomes a very curious subject of inquiry. The author devotes a few pages to a discussion of the point, which will be read with great interest by those, who are curious in these matters. His opinion is, and he supports it by considerations not easily to be shaken, that the Showiah is a language of greater antiquity, than any other spoken in northern Africa. It is remarkable, as he states, that 'every trace of the Roman language appears to have been eradicated by the Saracen conquest.' Nor has it been discovered, that the language in question has any analogy to the Punic, or the Arabic, and of course it must have been formed before the introduction of those tongues into Africa. After a brief, but lucid examination of the question, Mr Shaler concludes, that, from the facts adduced, 'there appears to be nothing unreasonable in believing, that the Tuaricks are an original, unconquered people, and the depository of an ancient language, which, being identified with that of the Kabyles, the Showiah, naturally leads to the conclusion, that it is one of the most ancient in the world, which has withstood and survived the conquests of the Carthaginians, the Romans, the Vandals, and the Arabs.' In his Appendix the author has inserted a vocabulary of this language, as far as he has been able to collect it, and he is still pursuing this branch of the in-

quiry. A correspondence between him and Mr Du Ponceau, on this subject, is contained in the volume of Philosophical Transactions recently published in Philadelphia.

We should be tempted too far, were we to follow the author in his ingenious speculations, respecting the future destiny of that portion of Africa now subject to Algerine domination. The natural resources of this country, and the prosperity to which it might attain under a mild and equitable government, are set forth by him with a glowing, and we doubt not a judicious pen. His views of colonization seem to us correct; but to what extent his theory, that it would be expedient and conducive to human happiness and improvement for England to take possession of this region and colonize it, may be approved by the wise and prudent, we venture not to pronounce. His reasonings are not without weight, and we have no disposition to confute them, if we could. And in truth, if we should attempt it and succeed, there would still remain one irresistible argument, which is, that it is impossible for the reins of power to be in worse hands than at present, and therefore any transfer would be a gain, both to the general cause of human advancement, and to the immediate and dearest interests of the people themselves. But, after all, we should be loath to witness the scenes of India acted over in Africa; and we fear the descendants of the Numidians would be little benefited, even by throwing off the yoke of the pirates, if it must be done by such a mode of release.

Mr Shaler's last chapter contains a selection from the Journal, kept in the Consulate of the United States at Algiers. It embraces the chief events in the recent political history of the Regency, particularly in its intercourse with Great Britain, on a threatened abrogation of the treaty, and renewal of hostilities. As the author acted an important part in these events, was himself involved in various intricate and embarrassing circumstances, and personally acquainted with almost every incident he narrates, this selection from his official Journal constitutes at once a most valuable, and highly interesting part of his book. It affords an insight into the details of Algerine diplomacy, which, we venture to say, can be obtained from no other quarter. The account given of the Consul's firmness, in resisting the demands of the Regency to give up the defenceless Kabyles under his protection, when the other consuls submitted to the outrage, will be read with warm approbation by every American. It was a measure, on the Consul's part, as bold as it was just, and not

less creditable to his feelings as a man, than it was honorable to his character as the representative of a free nation.

But we would not point to particular parts of this volume, as worthy of exclusive attention. The whole is written with a dignity, a freedom of remark, an independent tone of opinion and investigation, together with an intimate knowledge of the subjects brought under notice, which give it strong claims to respect and confidence; at the same time it communicates a mass of curious and important facts, not before presented to the reading public. It has not been common for an agent from any country, possessing the author's intelligence, frankness, and talents, to be employed in the diplomatic affairs of the Barbary States; nay, a capacity for low intrigue, chicanery, and artifice, has usually been considered the primary qualification for such a post. And when we consider the principles, on which the respective governments have required their agents to act, and the extraordinary transactions to which this intercourse has uniformly led, it is not surprising, that no one has been found willing to reveal the dark policy, by which his instructions compelled him to be guided, if his own spirit did not prompt him to it. By the concurrent sanction of all the christian powers, growing out of their mutual jealousies, such has been the system adhered to in treating with the Barbary pirates, that no public agent would dare to unfold and spread it out before the world. Concealment and duplicity were essential parts of the system itself. But the mind and pen of the American Consul General were bound by no such ignoble chains as these; he has scrutinized deeply, and declared freely what he discovered, and what he thought. The disclosures he has made, and which others will make, by pursuing the track on which he has entered, will afford a key to many parts of European history that are yet hidden. If all the diplomatic proceedings of the christian governments with the Barbary States, Morocco, Algiers, Tunis, and Tripoli, could be brought to light, and recorded for the inspection of the world, we doubt whether more signal evidences of the abuse of power, the force of base passions, and the wickedness of rulers, could be collected from the annals of the civilized world.

ART. IX.—*Miscellaneous Poems selected from the United States Literary Gazette.* Boston. Cummings, Hilliard, and Co; and Harrison Gray. 18mo. pp. 172.

THIS little volume, as the title imports, is composed of a selection from the poetical department of the United States Literary Gazette, embracing the period from the beginning of that work down to the end of the past year. When originally published, these pieces appeared as anonymous contributions, but in the present collection the names of the authors, except in a few instances, are prefixed. The principal contributors are Bryant and Percival; in addition to whom are Longfellow, Mellen, Jones, and Dawes; and, without invidious comparison or exaggerated praise, it may with great truth be said, that there are from each of these writers specimens of much poetical beauty, and that the volume itself is a rich acquisition to the elegant literature of the country. We know not but our partiality for whatever excellence is of American growth, may cause us to feel the more gratified with a work like this, but we would not bestow on it extravagant praise, merely because it is American. Such praise would be injurious to the cause of letters among us. We would not that our poets be easily satisfied, but rather that they aspire to rival the richest strains, which have been breathed from the country of Shakspeare and of Milton. We would have them strictly American; their productions should retain a flavor of the soil in which they were formed. The feelings they express, and the outward forms they portray, should partake of something of the air of the place. But we would not have them pleased with a low measure of excellence; nor would we have our men of genius remain content with moderate merit, because, possibly, moderate merit may be sufficient to meet the immediate and coarser demands of the public.

Mr Bryant, who has contributed the largest number of pieces to the volume before us, has been for several years a favorite with the American public. We have, on former occasions, expressed our opinion of his genius and writings. As a poet, he possesses rare gifts. His poetry has truth, delicacy, and correctness, as well as uncommon vigor and richness; he is always faithful to nature; his delineations are accurate, vivid, and forcible; he selects his groups and images with judgment, and sketches with spirit and exactness. He writes as one, 'who,

in the love of nature, holds communion with her visible forms.' Nothing is borrowed, nothing artificial; his pictures have an air of freshness and originality, which could come from the student of nature alone. He is alive to the beautiful forms of the outward world. These forms hold a language to his heart. Nature to him is not an inert mass, mere dead matter; it is almost a feeling, and a sentiment. His poetry is always refreshing; the scenes of stillness and repose, into which he introduces us, seem fitted to exclude care and sorrow; he draws us from haunts of men, where we become familiar with loathsome forms of vice and misery, where our hearts are torn with anxiety, or wounded by neglect and ingratitude, and makes us 'partake of the deep contentment,' which the mute scenes of earth breathe. He is less the poet of artificial life, than of nature, and the feelings. There is something for the heart, as well as for the understanding and fancy, in all he writes; something, which touches our sensibility, and awakens deep toned, sacred reflections.

Again, Mr Bryant charms us by his simplicity. Like all true lovers of nature, he is fond of those chaste beauties, which strike on the heart at once, and are incapable of being heightened by any extraneous ornament. His pictures are never overcharged. Nothing is turgid or meretricious, strange or fantastic. His heart is open to the healthful influences of nature; he muses among her gay and beautiful forms, and throws out upon the world his visions and feelings in a garb of attractive simplicity and grace. His strains, moreover, are exquisitely finished. He leaves nothing crude and imperfect; he throws off no hasty sketches, no vague, shadowy, and ill assorted images. His portraits have a picturesque distinctness; the outlines are accurately traced, and the colors laid on with delicacy and skill. We are never disgusted with grossness; nothing appears overstrained or feeble, deformed, misshapen, or out of place.

To write such poetry at any time would be no trifling distinction. Mr Bryant deserves the greater praise, as he has exhibited a pure and classical standard in an age, the tendency of which is, in some respects, towards lawless fanaticism and wildness. There is a fashion in literature, as in everything else. The popular style is now the rapid, the hasty, the abrupt, and unfinished. The age is certainly not a superficial one. It is distinguished beyond any former period for habits of deep, earnest thought. But one of its characteristics seems to be an impatience of restraint. It is fond of strong excitement, however produced.

Whatever excites the mind into a state of fervor, whatever powerfully awakens the feelings, is listened to and applauded. It may be vague, fantastic, and shapeless, produced by a sort of extemporaneous effort, and sent abroad without the labor of revision. It will not have the less chance of becoming, for a time at least, popular. The press was never more prolific than at present. A great deal is written, and, as might be naturally supposed, much is written in haste. The mass of popular literature is swelling to an overgrown bulk; but much of it is crude, coarse, and immature. Mr Bryant has not been seduced by the temptations to slovenliness and negligence, which the age holds out to view; but, on the contrary, he affords a happy specimen of genuine, classical English. We are gratified to meet with such examples, especially among the distinguished and favored poets of our own country. It augurs well for the interests of taste and letters.

We cannot express in too strong terms our approbation of the moral and devotional spirit, that breathes from all, which Mr Bryant writes. Poetry, which is conversant with the deeper feelings of the heart, as well as the beautiful forms of outward nature, has, we conceive, certain affinities with devotion. It is connected with all our higher and holier emotions, and should send out an exalting, a healing, and sustaining influence. We are pleased to find such an influence pervading every strain, uttered by a poet of so much richness of fancy, of so much power and sweetness, as Mr Bryant. No sentiment or expression ever drops from him, which the most rigid moralist would wish to blot. His works we may put into the hands of youth, confident, that in proportion as they become familiar with them, the best sympathies of their nature will be strengthened, and the moral taste be rendered more refined and delicate. Much of his poetry is description; but his descriptions are fitted to 'instruct our piety,' and impart a warmth and glow of moral feeling.

We hasten to one or two extracts, as contained in the volume before us. 'The Murdered Traveller' is picturesque, affecting, and solemn. The scene is portrayed with a distinctness, which causes the heart to shudder.

> When Spring to woods and wastes around,
> Brought bloom and joy again;
> The murdered traveller's bones were found,
> Far down a narrow glen.

The fragrant birch, above him, hung
Her tassels in the sky;
And many a vernal blossom sprung,
And nodded, careless, by.

The red bird warbled, as he wrought
His hanging nest o'erhead,
And fearless near the fatal spot,
Her young the partridge led.

But there was weeping far away,
And gentle eyes, for him,
With watching many an anxious day,
Grew sorrowful and dim.

They little knew, who loved him so,
The fearful death he met,
When shouting o'er the desert snow,
Unarmed, and hard beset.

Nor how, when round the frosty pole
The northern dawn was red,
The mountain wolf and wild cat stole
To banquet on the dead.

Nor how, when strangers found his bones,
They dressed the hasty bier,
And marked his grave with nameless stones,
Unmoistened by a tear.

But long they looked, and feared, and wept,
Within his distant home;
And dreamed, and started as they slept,
For joy that he was come.

So long they looked—but never spied
His welcome step again,
Nor knew the fearful death he died
Far down that narrow glen. pp. 9, 10.

We need not point out to those, who are familiar with the appearance of our forests in spring, the exquisite truth and beauty of the two lines,

> 'The fragrant birch, above him, hung
> Her tassels in the sky;'

which occur in the second stanza. Such minute and inimitable beauties are scattered over every page of this author's narrative and descriptive poetry. They go to show his careful observation

of nature, which we consider one of his striking characteristics, and which constitutes one point of resemblance between him and Cowper. We add, it is his habit of minute and diligent observation, which renders his pictures so purely American. His descriptions have a definite locality. They apply to American scenery, and to no other.

The 'Hymn' is a rich offering of the fancy and heart. The following are the introductory lines.

> The groves were God's first temples. Ere man learned
> To hew the shaft, and lay the architrave,
> And spread the roof above them,—ere he framed
> The lofty vault, to gather and roll back
> The sound of anthems; in the darkling wood,
> Amidst the cool and silence, he knelt down
> And offered to the Mightiest, solemn thanks
> And supplication. For his simple heart
> Might not resist the sacred influences,
> That, from the stilly twilight of the place,
> And from the gray old trunks that high in heaven
> Mingled their mossy boughs, and from the sound
> Of the invisible breath that swayed at once
> All their green tops, stole o'er him, and bowed
> His spirit with the thought of boundless power
> And inaccessible majesty. Ah, why
> Should we, in the world's riper years, neglect
> God's ancient sanctuaries, and adore
> Only among the crowd, and under roofs
> That our frail hands have raised. Let me, at least,
> Here, in the shadow of this aged wood,
> Offer one hymn—thrice happy, if it find
> Acceptance in his ear. p. 43.

We assure our readers, that much of what Mr Bryant has contributed to the present collection, is as good as that we have here offered them. We will not undertake to point out passages of the greatest beauty. The true lover of poetry will be at no loss in discovering them.

Of Mr Percival, who, next to Mr Bryant, is the largest contributor, less needs be said here, as we have in the preceding pages of our present number spoken somewhat at length concerning him. He has copiousness, we may say exuberance, both of matter and words; a rich and excursive imagination, which delights to revel amid gorgeous and airy forms of beauty; and often throws off lines of great vigor and sweetness. He has

happy moments of inspiration, and with more labor of revision, with greater willingness to reject what serves only to embarrass the sense, and more care in selecting from the wilderness of 'thick coming fancies' only what is adapted to his purpose, he might exert a magic influence over our hearts. His narratives are apt to be overloaded or perplexed. The consequence is, the attention is encumbered or distracted, and the impression weakened. His contributions to this volume, as well as his other works, bear the stamp of true genius, but show too frequent marks of carelessness in the execution.

After all, Mr Percival's poetry is of a fascinating character. Amid his negligent versification, his wildness and redundance, he has strains of surpassing beauty. The pieces he has contributed to the present collection bear the characteristic traits of his genius, though they are not chargeable with all the faults, which disfigure some of his larger productions. Several of them are lofty and beautiful creations.

'The Graves of the Patriots,' though not altogether faultless in expression, contains bursts of genuine and exalted feeling. The lines on 'Spring' are gay and airy, and the progress of the Zephyr fancifully described. 'The Desolate City' is fearfully impressive. Of the piece entitled, 'Painting—a Personification,' we give the opening and concluding parts.

> One bright sunshiny autumn day,
> When the leaves were just beginning to fade,
> I saw a gay and laughing maid
> Stand by the side of a public way.
>
> There she stood erect and tall;
> Her flowery cheek had caught the dyes
> Of the earliest dawn—and O! her eyes,
> Not a star that shoots or flies,
> But those dark eyes outshine them all.
>
> She stood with a long and slender wand,
> With a tassel of hair at its pointed tip;
> And fast as the dews from a forest drip,
> When a summer shower has bathed the land,
> So quick a thousand colors came,
> Darting along like shapes of flame,
> At every turn of her gliding hand.
>
> She gave a form to the bodiless air,
> And clear as a mirrored sheet it lay;

And phantoms would come and pass away,
As her magical rod was pointed there.

First, the shape of a budding rose,
Just unfolding its tender leaf;
Then, all unbound its virgin zone,
Full in its pride and beauty blown,
It heavily hangs like a nodding sheaf;
And a cloud of perfume around it flows.

. . . . .

Now for the touch of a master hand—
See! how she poises and waves her wand,
As if in a dream of busy thought
She sought for visions and found them not.
Now it rises—and look—what power
Springs to life, as she lifts her rod—
Is it a hero, or visible god,
Or bard in his rapt and gifted hour?
What a lofty and glorious brow,
Bent like a temple's towering arch,
As if that a wondering world might march
To the altar of mind, and kneel and bow;—
And then what a deep and spirited eye,
Quick as a quivering orb of fire,
Changing and shifting from love to ire,
Like the lights in a summer evening sky;—
Then the living and breathing grace
Sent from the whole of that magic face,
The eloquent play of his lips, the smile
Sporting in sunbeams there awhile,
Then with the throb of passion pressed
Like a shivering leaf that cannot rest,—
And still as a lake when it waits a storm,
That wraps the mountain's giant form,
When they lie in the shade of his awful frown,
And his gathered brows are wrinkled down.

Such the visions that breathe and live,
The playful touch of her wand can give.

pp. 116, 117, 120, 121.

The beauty of the above extract is marred by occasional slovenliness of execution. We refer particularly to the description of the changing expression of the lips, in the last eight or ten lines, which is clumsy and perplexed.

Among Mr Percival's other pieces, 'The Last Song of the

Greek Patriot,' and 'Grecian Liberty,' breathe a stern feeling of patriotism, and contain much spirited and glowing description. 'Italy, a Conference,' has some passages of great luxuriance and beauty. But we can afford no more extracts.

Among the contributions furnished to this volume by others, there is much good poetry, and we are gratified with their appearance, not merely as they serve to swell our stock of native poetry, but as they hold out the promise of better things hereafter. There is, in particular, a good deal of poetical feeling and imagery in the pieces contributed by Mr Longfellow. He is generally flowing, manly, and correct; but he occasionally allows a feeble line, or negligent expression, to have place. We do not think that the two lines,

> 'Why comes he not? Alas! I should
> Reclaim him still, if weeping could,' p. 114.

are in the best style of versification. The auxiliaries *should* and *could*, employed as rhyming words, give the couplet an appearance of poverty and feebleness. We could point to other occasional blemishes, but these weigh little in comparison with the author's prevailing merits. The following stanzas purporting to have been a 'Hymn of the Moravian Nuns, at the Consecration of Pulaski's Banner,' have been much and justly admired.

> When the dying flame of day
> Through the chancel shot it ray,
> Far the glimmering tapers shed
> Faint light on the cowled head,
> And the censer burning swung,
> Where before the altar hung
> That proud banner, which with prayer
> Had been consecrated there.
> And the nuns' sweet hymn was heard the while,
> Sung low in the dim, mysterious aisle.
>
> Take thy banner!—may it wave
> Proudly o'er the good and brave,
> When the battle's distant wail
> Breaks the sabbath of our vale,—
> When the clarion's music thrills
> To the hearts of these lone hills,—
> When the spear in conflict shakes,
> And the strong lance shivering breaks.
>
> Take thy banner!—and beneath
> The war cloud's encircling wreath,

Guard it—till our homes are free—
Guard it—God will prosper thee!
In the dark and trying hour,
In the breaking forth of power,
In the rush of steeds and men,
His right hand will shield thee then.

Take thy banner! But when night
Closes round the ghastly fight,
If the vanquished warrior bow,
Spare him!—by our holy vow,
By our prayers and many tears,
By the mercy that endears,
Spare him—he our love hath shared—
Spare him—as thou wouldst be spared!

Take thy banner!—and if e'er
Thou shouldst press the soldier's bier,
And the muffled drum should beat
To the tread of mournful feet,
Then this crimson flag shall be
Martial cloak and shroud for thee!

And the warrior took that banner proud,
And it was his martial cloak and shroud. pp. 58—60.

Mr Jones's versification is generally easy and correct, and his conceptions sprightly, and sometimes vigorous, His 'Autumnal Hymn of the Husbandman' is characterized by great simplicity of language. Much plainness, and perhaps occasional homeliness of thought and expression, are permitted or required by the subject. We think, however, that in his attempt to attain the utmost degree of simplicity, this writer has been occasionally betrayed into the use of expressions, which good taste would modify or reject. As a specimen of Mr Jones's manner, we quote the hymn entire.

Now we rest from our toils, Lord, our labors are done,
Our meadows are bared to the kiss of the sun;
We have winnowed the wheat,—well our toil it repays,
And our oxen have eaten the husks of the maize.

We gathered our harvests; with strength in each limb
Toiled the mower; the ripe grass bowed prostrate to him;
And the reaper, as nimbly he felled the proud grain,
Was blither than those who wear sceptres and reign.

And the wheat blade was tall, and the full, golden ear
Proclaimed that the months of rejoicing were near;

The grape in rich clusters hung, promising mirth,
And the boughs of the apple tree slept on the earth.

Did we thank thee, then, God of the seasons? Oh no!
We were prompt in accepting thy favors, but slow
Were our lips to give thanks for the rich gifts, thy hand
Showered thick on the maize littered vales of our land.

Thou hast rained on us manna, Lord,—yet we are mute;
Though summers, all smiles, of thy love are the fruit,
Springs and autumns, as fair as the Orient boasts,
Dawn on us,—yet faint are our tongues, Lord of Hosts!

Now we raise our glad voices—in gratitude raise,
And we waft on the beams of the morning our praise;
We thank thee for golden grain gathered in shock,
And the milk of the kine, and the fleece of the flock.

And we thank thee for limbs moving light to the task,
For hearts beating high, though unwarmed of the flask,
Fill us, Lord, with just sense of thy bounty, and give
Health to us, and to all in the land where we live.

pp. 110, 111.

The following stanzas by Mr Dawes will be enough to prove, that he has the imagination and taste of a poet.

The Spirit of Beauty.

The Spirit of Beauty unfurls her light,
And wheels her course in a joyous flight;
I know her track through the balmy air,
By the blossoms that cluster and whiten there;
She leaves the tops of the mountains green,
And gems the valley with crystal sheen.

At morn, I know where she rested at night,
For the roses are gushing with dewy delight;
Then she mounts again, and around her flings
A shower of light from her purple wings,
Till the spirit is drunk with the music on high,
That silently fills it with ecstacy!

At noon, she hies to a cool retreat,
Where bowering elms over waters meet;
She dimples the wave, where the green leaves dip,
That smiles, as it curls, like a maiden's lip,
When her tremulous bosom would hide, in vain,
From her lover, the hope that she loves again.

At eve, she hangs o'er the western sky
Dark clouds for a glorious canopy;
And round the skirts of each sweeping fold,
She paints a border of crimson and gold,
Where the lingering sunbeams love to stay,
When their god in his glory has passed away.

She hovers around us at twilight hour,
When her presence is felt with the deepest power;
She mellows the landscape, and crowds the stream
With shadows that flit like a fairy dream;—
Still wheeling her flight through the gladsome air,
The Spirit of Beauty is everywhere! pp. 54, 55.

Mr Mellen's fancy appears to delight in scenes of grandeur and wildness. The following lines on 'Mount Washington, the loftiest peak of the White Mountains in New Hampshire,' are not destitute of spirit and energy. We refer to the two first stanzas and the last; the third, which speaks of the 'dim forms of the mighty dead,' we do not profess to understand, and consider it an essential defect in a description, otherwise striking and natural.

Mount of the clouds; on whose Olympian height
The tall rocks brighten in the ether air,
And spirits from the skies come down at night,
To chant immortal songs to Freedom there!
Thine is the rock of other regions; where
The world of life which blooms so far below
Sweeps a wide waste; no gladdening scenes appear,
Save where with silvery flash the waters flow
Beneath the far off mountain, distant, calm, and slow.

Thine is the summit where the clouds repose,
Or eddying wildly round thy cliffs are borne;
When Tempest mounts his rushing car, and throws
His billowy mist amid the thunder's home!
Far down the deep ravines the whirlwinds come,
And bow the forests as they sweep along;
While roaring deeply from their rocky womb
The storms come forth—and hurrying darkly on,
Amid the echoing peaks the revelry prolong!

And when the tumult of the air is fled,
And quenched in silence all the tempest flame,
There come the dim forms of the mighty dead,
Around the steep which bears the hero's name.

The stars look down upon them—and the same
Pale orb that glistens o'er his distant grave,
Gleams on the summit that enshrines his fame.
And lights the cold tear of the glorious brave—
The richest, purest tear, that memory ever gave!

Mount of the clouds! when winter round thee throws
The hoary mantle of the dying year,
Sublime amid thy canopy of snows,
Thy towers in bright magnificence appear!
'Tis then we view thee with a chilling fear,
Till summer robes thee in her tints of blue;
When lo! in softened grandeur, far, yet clear,
Thy battlements stand clothed in Heaven's own hue,
To swell as Freedom's home on man's unbounded view!

pp. 128, 129.

Some of the anonymous pieces in this collection have merits, that would bear a critical examination. But we choose to refer our readers to the volume itself, and this we do with the entire conviction, that all lovers of poetry will find abundance in its pages to reward a diligent perusal.

Art. X.—CRITICAL NOTICES.

1.—*The Atlantic Souvenir; a Christmas and New Year's Offering.* Philadelphia. Carey and Lea. 1826. pp. 353.

This is a beautiful little book, in imitation of the *year books*, which have so long been made up in the same style in Germany, and lately in England. It differs from them, however, by being entirely original in its matter, and of course depending for its value on American artists.

The German works of this kind, which we have seen, were composed principally of extracts from the poets of their own country, the popular ballads and tales new versified, or translations from foreign literature. The growing taste in Germany for Shakspeare is shown, by the very copious drafts made on him in these works; and we observed in a book of the kind, printed at Leipsic in 1821, some translations, of an accuracy, occasionally equal to that of Foscolo, in rendering Sterne's 'Still, slavery, still,' &c, which he signifies in Italian to mean, 'Slavery, *though* thou art *peaceful*,' &c.

It is an agreeable thing to see all the occurring festivals of society partake something of a literary character. It appears to be a return to the delicate taste of the ancients in this respect, who marked every public or private era of importance with some joyous testimonial. If the law did not always provide, that an occasional ceremony should be observed with the signs of rejoicing, the custom did; and the warrior, who returned 'brow bound with the oak' by *right*, found his friends crowned with roses at their friendly banquet.

The more practical habits of modern society, lead us to be more indifferent than they, to all but that which is real and effectual; and it is not certain, whether we gain by the change. It seems certain, however, that the domestic and social ties were more tenderly prized with the ancients than with us; and a vast part of their history is interested in events, which arose from this feeling, where modern annals would give the reader an account of a stormy debate, or a cabinet intrigue. One of the French wits avers it to be impossible to found the plot of a tragedy on a Grecian story, except by calling into requisition 'the eternal family of Pelops,' with whom it is clear the French stage must be by this time pretty familiar. The taste, which tends to make all domestic intercourse as delightful as possible, by not merely

employing the arts as the ministers or trophies of pride and wealth, but as the ornaments of affectionate intercourse, is excellent. If it is our ambition to equal the ancients in the simplicity and freedom of our institutions, it may also be worth while to divest ourselves as far as possible of the heartless directness, which the competition of modern society produces. There is little danger, in our country, of the study of what may be called the minor branches of the fine arts being carried too far. With so extensive a commercial capital, and the more than Agrarian laws, which regulate the vast territories of the West, there will not be soon the crowded population, which is pleased or supported by shows and toys. A man who, in Paris or Vienna, would live by gilt paper and pasteboard, in America would take his axe and rifle, or if less adventurous, set up a *store*, or command a steamboat. But, with all this, our countrymen are beginning to grow a little fastidious, and demand something like refinement; and in a community, that can support the Italian Opera in a full corps, there must be a real or affected taste for some of the fine arts. This taste, as regards the Opera, has been, we suspect, a little factitious in New York; for we observed the papers filled for some time before its opening with explanations of the common musical business, and exhortations to the public to be pleased with the Garcias.

The little book before us does not need any such preparation to be liked. It is a beautifully printed duodecimo, executed with great neatness, and very prettily embellished. It contains some charming views of American and foreign scenery. There is a beautiful view of the burying place of Père la Chaise at sunset, a view of Athens, of the Bay of Naples, and the Falls of Montmorenci, with other decorations. But the value of this little volume does not depend on these. The literary execution of its matter is well finished, though the different articles of it are very unequal. The 'Eve of St John, a tale of the Grecian Islands,' is the first in order, and among the best of the pieces. It turns on the oppressive barbarity of the Ottoman rulers, towards the interesting people inhabiting these islands. A Grecian maiden, Adiante, though warned by an omen, fearful for a lover, on the eve of the feast of St John, betroths herself to Demetrius, who, it seems, 'in stature was tall and as straight as a palm,' easy in his carriage, active and graceful in his walk, fiery in the eye, and impatient of insult to the last degree. He was eloquent, poetical, romantic, enterprising, and a lover of the arts. With these qualifications, it is not wonderful that he won the fair Adiante to forget the mysterious omen, by which she had been warned that their love would be fatal, and that they were not destined to be united. But

the course of their loves is soon found anything but smooth. A new Vaivode, or governor, arrives from Constantinople, and, learning the beauty of the bride of Demetrius, insists on seeing her in a manner the most insulting, and with purposes dark and wicked. In short, the marriage of the young Grecians is subsequently interrupted by this tyrant and his train, who murder the youth. Adiante, also, is wounded, and dies in the conflict. The story is well told, and exhibits in strong colors the brutal tyranny of the Turks over the Greeks in their power.

The piece, entitled the 'Catholic Iroquois,' by the author of Redwood, is a beautiful and touching little tale, and worthy of the pen of that writer. Others might be selected, both in prose and poetry, that are creditable to their authors, although a few have gained admittance, whose claims to such a distinction we have not been able to discover. The plan of this work is calculated to have so good an effect on the taste of the community, that we hope the publishers will be encouraged to continue it annually. Their aim should be, as far as possible, to enlist the best writers in different parts of the country, to procure articles on American topics, and designs of American scenery. It will thus have a character and a value peculiar to itself, and not to be found in any other works of a similar kind.

2.—*A View of the Constitution of the United States of America.* By William Rawle. Philadelphia. 1825. 8vo. pp. 347.

The constitution of the United States was, in many particulars, a new experiment in politics. It was the first government, and, at the time of its creation, the only one in which the principle of *representation* was extended as well to the executive and judicial departments, as to the legislative. In other nations, where political liberty has been enjoyed to a certain degree, the principle of representation has been either abandoned altogether, or confined to the selection of those who were to make the laws; while in the execution and interpretation of the laws, the people beheld a power created without their consent, and existing beyond their control.

In Rome, indeed, it was otherwise; for while the consuls and prætors were chosen by the people and accountable to them, the senate was a hereditary body, whose decrees the popular officers were in general bound to execute. But in the United States, every officer in every department of the government is a representative of the people; acting by the authority of the people,

and ultimately accountable to them. When we call our *government* a representative one, we do not in general attach its full meaning to the term; we are apt to be misled by the popular signification of representative, and to think only of one branch of the legislature. But in truth, the President of the United States, in the exercise of his high powers, is as much a representative of the people, as a member of either house of Congress. He is selected by them for the discharge of certain duties; he is accountable to judges of their appointment for any malversation in office, and he cannot retain his power beyond a limited time, without their renewed consent. It is the same in principle with judicial officers. Their power emanates, though not directly, from the people; and though they are shielded, as they ought to be, from popular caprice and passion, they are accountable to the people for the honest and faithful discharge of their duties. The people of the United States, as such, exercise no other act of sovereignty, than that of selecting the individuals in whom the several powers of government shall reside; and in this they differ from the citizens of Greece and Rome, who enacted laws in their popular assemblies; but they also choose, either directly, or through the medium of electors chosen by themselves, all the officers of government; and in this they differ as well from the ancient republics, as from the limited monarchies of modern times.

Whatever advantages, therefore, attend the representative form of government, must be enjoyed in the United States in the highest degree. These advantages may be resolved into this general principle, that while an administration is provided, possessing sufficient unity and permanence for decisive action, the government itself is under the control of the people, and not of those who administer it. There is a tendency in all governments to consider the supreme power as residing in the legislature; for the making of laws is the most striking act of sovereignty. An example of this tendency occurred in England during the Commonwealth, when the popular branch of the legislature undertook to model anew the whole constitution. And even at the present day, it is maintained in that country, that the authority of parliament has no limit, but is supreme and uncontrollable. With us, however, the executive and judicial departments are strictly co-ordinate with the legislative; and all are equally regulated by the constitution, which is the expressed will of the people.

But, however perfect any government may be in theory, no thinking man will entirely confide in it, until he has seen its developement in practice, and been satisfied with its adaptation to the character and condition of the people. The government

of the United States, has it answered the ends for which it was designed? Have no unexpected obstacles impeded its course? Has the principle of representation been wisely extended to all the departments of its administration? In one word, has it been as salutary in practice, as it is wise in theory? These are questions, which are frequently asked, especially by foreigners, and to which no book, before the present, has given an answer.

Mr Rawle's work is a commentary upon the constitution, in which the several departments of our government are treated of, in the order in which they are named in that instrument. After an introduction, in which the nature of political constitutions in general is discussed, and in particular those of the British colonies in North America, the author treats of the constitution of the United States, and of the rules of construction, which should be adopted in explaining it. He then examines the legislative power as exercised by the senate, the house of representatives, and the President. These subjects compose the theme of the six first chapters.

'The President,' says Mr Rawle, 'partakes of the legislative power; he is elected for the term of four years, in a mode of which the theory is excellent, but in no respect have the enlarged and profound views of the framers of the constitution, or the expectations of the people, been so completely frustrated.'

Now this language is much too strong. In no country of the world, and in no period of history, can a succession of chief magistrates be found, who are worthy to be compared in talents, learning, wisdom, morals, or patriotism, with the six presidents of the United States. In no country of the world, has the administration of government been directed so entirely to promote the happiness of the people, and with so little regard to the personal interest of those engaged in it. Whatever difficulties, therefore, may have been encountered in the election of a president, it can hardly be said with truth, that the views of the framers of the constitution have been completely frustrated.

It is true, that difficulties have occurred; and they always may be expected, while human nature continues frail and imperfect. That the wisest and best man in the nation should be selected for its chief magistrate, is what all will admit; but how is the individual to be discovered among several millions? And how is an unhesitating conviction of his merits to be impressed upon the minds of his fellow citizens? The best devised system is but an approximation to what is desirable; and it is believed, that the mode now pursued in the United States, though attended with some inconveniences, is to all practical purposes sufficient to secure a wise administration of the government.

The seventh chapter, which is on 'the Treaty making Power,' discusses the question, which has twice arisen in Congress, whether the consent of the house of representatives, in any form, is necessary to the validity of a treaty, or to such measures as are necessary to carry a treaty into effect. This question may be considered as still undecided, for in 1816, on the ratification of the convention with Great Britain, Congress thought proper, after a long debate, to pass an act expressly repealing so much of certain other acts, as were inconsistent with the provisions of the convention, instead of leaving the treaty to stand *proprio vigore*.

In the ninth chapter the author contends, with much plausibility, that a citizen of the United States cannot transfer his allegiance, so as to free himself from our laws, without the consent of the community. This opinion, it is said, has the sanction of the late Chief Justice Ellsworth, of Mr Justice Washington, and of President Madison. It is a question of great practical importance, and deserves to be thoroughly considered.

On the great question of *internal improvement*, as it is usually called, Mr Rawle holds the opinion which is beginning to prevail in every part of the Union, and which will probably, before many years, be the settled construction of the constitution.

'It has been made a constitutional question,' he says, 'whether Congress has a right to open a new mail road through a state or states for general purposes, involving the public benefit, and the same doubt has been extended to the right of appropriating money in aid of canals through states. If we adhere to the words of the text, we are confined to post roads; but it appears to the author to be one of those implied powers, which may fairly be considered as within the principles of the constitution, and which there is no danger in allowing. The general welfare may imperiously require communications of either of these descriptions. A state is bound to consult only its own immediate interests, and not to incur expense for the benefit of other states. The United States are bound to uphold the general interest, at the general expense. To restrain it to pointing out the utility of the measure, and calling on particular states to execute it, would be partially to recall the inefficiency of the old government, and to violate the main principle of the present one. If any political evil could result from the procedure, it would present a strong argument against the allowance of the power; but good roads and facile aquatic communications, while they promote the prosperity of the country, cannot be seriously alleged to affect the sovereignty of the states, or the liberties of the people. The road ought, however, to be an open, not a close one. It is doubtful, whether tolls for passage on it could be constitutionally exacted.' p. 100.

Mr Rawle's observations on the writ of *habeas corpus* confirm the opinion, which we have more than once expressed, that the common law is recognised by the constitution of the United States. 'The constitution seems to have secured this benefit to the citizen by the description of the writ, and in an unqualified manner admitting its efficacy, while it declares, that it shall not be suspended unless when, in cases of rebellion or invasion, the public safety shall require it. This writ is believed to be known only in countries governed by the common law,' &c. p. 114.

We cannot be expected to analyse the whole volume, or even to enumerate the important questions, which are discussed in it. In several points, the practical construction of the constitution is yet unsettled; but in many more, doubts have been cleared, and a course of administration consistently pursued, which has led to the happiest results. To those, who are desirous of studying the noblest monument of human wisdom, the Constitution of the United States, we recommend the treatise of Mr Rawle as a safe and intelligent guide. For foreigners it may be sufficient; but to the young men of our country, it should be only the introduction to a more extended course of reading. The letters of Publius, in the Federalist, Mr Sergeant's treatise on Constitutional Law, and the great constitutional questions, which are from time to time argued and decided in the Supreme Court of the United States, should form a part of the studies of every well educated man.

In the Supreme Court, the principles of our government are often developed with a strength of reasoning and a clearness of illustration, that seldom fail to repress every doubt, and quiet every scruple. We cannot refrain, in this connexion, from making one more extract from Mr Rawle, because it sets in a strong light the highmindedness, and independence of party considerations, of that tribunal, which is often the last resort in party contests. The author is speaking of the abolition, in 1802, of the judiciary system established the preceding year. 'The Supreme Court, which affirmed a decision by which the validity of the repealing act was established, [the case of Stuart *v.* Laird, 1 Cranch, 308] was at that time composed entirely of men politically adverse to that, which, by a sudden revolution, had become the predominant party in the legislature. Yet the decision was unanimously given, one of the judges only being absent on account of ill health. And such are the true nature and spirit of a judicial institution, that there can be no doubt that the same principle, the same entire repudiation of party spirit, would govern men of all political impressions, when required to act on similar occasions by the constitution and their country.'

While such is the spirit which our institutions foster, and such

the practical wisdom displayed in the administration of the laws, we may be permitted, cold blooded as critics usually are, to catch the enthusiasm of the Orator and Statesman of New England, and exclaim with him, OUR COUNTRY; OUR WHOLE COUNTRY; AND NOTHING BUT OUR COUNTRY!

3.—*El Traductor Español; or a New and Practical System for Translating the Spanish Language.* By MARIANO CUBI Y SOLER. Baltimore. F. Lucas, jr. 12mo. pp. 350.

THE author of this volume deserves high commendation, for the zeal with which he has labored, during the last four years, to make his native language known in this country. He has published several elementary treatises to facilitate to the American student the attainment of that language, and his personal services have been assiduously and successfully devoted, we believe, to the promotion of the same end. At the present time, and with the future political prospects of the western continent, few accomplishments are more desirable to the well educated youth of our country, than a knowledge of the Spanish language. It is already spoken by half the population of the western world, and its use and influence will rapidly increase. Our commercial intercourse and political relations with the southern republics, will necessarily bring us into close and perpetual contact with them on innumerable points; and an acquaintance with their common vehicle of thought will be a not more effectual means of advancing our own interests, than of strengthening the bonds of union between nations, whose aims and destiny are nearly the same. We shall have the additional advantage, moreover, and it is not a small one, of the example and spirit of the best Spanish writers operating on our literature. In this country little is known of the elegant letters of Spain; it is a field unexplored, but it is wide and fertile, rich in the fruits of genius and of cultivated intellect. The language of Cervantes and Calderon, of Lope de Vega and Feijoo, may safely challenge a comparison with any other in high models of poetry and eloquence, brilliancy of imagination, or vigor of thought.

It is the purpose of Mr Cubi, in the present volume, to promote the acquisition of the language, by putting into the student's hands a choice collection from some of the best Spanish authors. The examples are generally short, always judicious, and methodically arranged. The idiomatic phrases and expressions are explained in the margin. Among the writers from whom the selection is made, are Feijoo, Granada, Quevedo, Mariana, Argensola, Ca-

dalso, Isla, Cervantes, Olavides, Saavedra, Gracian, Garcilaso, Melender. The book seems to us well suited to be taken up immediately after Mr Sales's *Colmena Española.* Mr Cubi has been at vast pains in forming a vocabulary, which comprises more than half the volume, in which every word used in the selections is introduced and explained, and the mode, tense, number, and person of each verb pointed out. This vocabulary is arranged in classes, according to the number of syllables in the words, that is, the first class contains words of one syllable, the second of two, and so on. The verbs form a list separate from the other parts of speech. This whole plan we consider defective, and have no doubt, that an arrangement of all the words in alphabetical sequence, according to the usual method, is preferable. The object of an alphabetical arrangement of any kind is to direct the student, with the least labor of research, to the desired word; and this can be done in no way so readily, as by having every word, beginning with the same letter, brought into one methodical and connected series.

4.—*Report made to the Legislature of Massachusetts by the Commissioners appointed by a Resolve of the twentysecond of February*, 1825. Boston. 1826. pp. 55.

The Legislature of Massachusetts, on the twentysecond of February, 1825, appointed Messrs Theodore Sedgwick, Leonard M. Parker, and James Savage, Commissioners to digest and prepare a system for the establishment of such an Institution, to be endowed by the State, as should be best calculated to afford instruction in 'the Practical Arts and Sciences' to those persons, who do not desire, or are unable to obtain, a collegiate education. These Commissioners, on the ninth of January last, made to the legislature an elaborate Report, containing a full and particular exposition of the plan of such an institution, and of the reasons which seemed to sanction its endowment by the state. This Report was accompanied with two bills, one for the incorporation of the proposed 'Massachusetts Seminary of Practical Arts and Sciences,' and another granting twenty thousand dollars each year for two years, and after that period five thousand dollars annually for ten years, for the endowment and support of the seminary. The passage of these bills was urged upon the House of Representatives with great zeal and ability; but after much consideration, the House ordered the subject to be recommitted to the same Commissioners to pursue the examination of it, and to report at a future session of the legislature.

It is not our purpose to discuss the Report at length. Although we dissent from the Commissioners in some respects, yet we feel a strong inclination to maintain their views upon the general object, namely, the providing of means for the liberal education of the middle class of society in the useful arts, and in the sciences immediately applicable to the active business of life. Our colleges do not look directly to the instruction of the artisan, the agriculturist, or the manufacturer. Their aim would rather seem to be the preparation of persons for the liberal professions, or the ornamental education of the children of the opulent. We apprehend the progress of improvement, and the exigencies of society, are beginning to demand facilities for imparting knowledge, on a liberal scale, to the productive and laboring classes of the community. This position is the leading doctrine of the Report; and however proper it may have been for the Legislature of Massachusetts to pass over the subject at present, and wait for further information before making the large grant, which the Commissioners deemed requisite, yet we trust a thing of so much importance to the interests of education will not be allowed to slumber.

5.—*Leisure Hours at Sea; being a few Miscellaneous Poems.* By a Midshipman of the United States Navy. New York. George C. Morgan, and E. Bliss and E. White. 1825. 12mo. pp. 148.

This little book was written by an anonymous midshipman of the United States navy, who, we *guess*, from the idiomatic use of a certain auxiliary verb, ('I soon *will* tread a distant shore,') was *raised* somewhere south of the Hudson. In his preface he deprecates the hostility of criticism, on the score of his nautical profession. But this should be no protection; for reviewers are bound by their commission to hunt down all such pirates and smugglers, as may infest the high seas of literature, without regard to the colors they sail under. Our poetic midshipman has no cause for concern, however; his little bark is too lightly laden, and has too little that is contraband in it, to be worthy of condemnation.

To part with the sorry metaphor, into which we have been led astray by thinking of our author's profession, we must declare we have never read a more innocent book in the world. The poetry is chiefly sentimental; half of it amatory, and the other half elegiac. But the amatory has none of the licentious taint, which pollutes so much of our modern love verses; and the elegiac

has none of those overcharged gloomy pictures of the present, and still gloomier pictures of the future, which, since the days of that spirit of darkness, Lord Byron, have settled over this region of poetry. The whole is animated by sincere and commendable affections; and if there is no great expenditure of wit, or fancy, lavished upon them, they are at least not wanting in feeling, which is esteemed by many no less essential to good poetry.

We will select one piece as a specimen of the poet's execution. It is not much better than the average of the verses, which pretty generally attain the level of that *aurea mediocritas*, so often celebrated in prose and verse.

A SONG AT SEA.

Our sails are spread before the wind,
And onward, onward swift we fly;
We've left our country far behind,
No prospect now invites the eye,
Save the blue sea, and cloudless sky.

Oh! when I wav'd my last good bye,
To parents, friends, and Mary dear,
It was not fear that dimm'd mine eye,
This heart ne'er felt a thrill of fear—
It was affection caus'd the tear.

And while upon the heaving main
Our vessel dashes proudly on,
To meet those well lov'd friends again,
With wealth and honors bravely won,
That is the hope I live upon.

But should some cannon pointed true,
Destroy these soothing dreams of glory,
Affection's tears my grave will dew,
And Mary, when she hears my story,
Will shed love's holiest tribute o'er me.

If these little effusions are not enriched with much poetical imagery, there is at least none of that desperate straining after it, which is apt to make the hobbling gait of an author more apparent; none of that poor taste for tawdry ornament, which betrays at once the inclination and the inability to be fine. Touching the expediency of uttering another volume, respecting which our author seems to hesitate, we should advise him, if it be not impertinent, to be governed entirely by the returns of his publisher. Verse making is an innocent, and if not too expensive, doubtless an agreeable method of killing the dull hours of a sailor's life. But should he again favor us, we hope he will talk less of things on shore, and more of those around him. The sea, with its

thousand brilliant perils and accompaniments, is rich in materials for poetry, (at least Lord Byron thought it so, as may be seen in his letter to the Rev. W. L. Bowles); and it is so seldom that we find the Muse aboard a man of war, that we are anxious she should make the most of her situation.

We believe there are not more than three pieces in our naval author's collection, which have any relation to his profession, and one of those we have quoted.

6.—*An Epitome of Chymical Philosophy, being an extended Syllabus of the Lectures on that Subject delivered at Dartmouth College, and intended as a Text Book for Students.* By James Freeman Dana. Concord. New Hampshire. Isaac Hill. 1825. 8vo. pp. 231.

The author of this Epitome was an early, and has been for many years, an assiduous cultivator and teacher of chemistry. The volume, which he has now published, contains in a condensed form the substance of the Lectures, which he has been accustomed to deliver as Professor in this department at Dartmouth College, and it does ample credit to the industry and acquirements of the author. It will be found a very intelligible and useful manual to those, who are attending courses of chemical lectures, and contains, within a narrow space, a large amount of matter clearly expressed, and generally well arranged.

The work consists of two parts. The first contains the general principles of the science, and the chemistry of inorganic substances; the second, the chemistry of organic substances, or a chemical examination of nature.

The first division of the first part relates to those general laws or powers of matter, upon which chemical phenomena are supposed to be dependent, namely, attraction, cohesion, affinity, electricity, electromagnetism, caloric, and light. Of these the account is brief, but considering the space allowed them, very comprehensive and perspicuous. Then follows in order an examination of the different elementary substances, to the number of fiftytwo, and of their most interesting compounds. The metals are subdivided into four orders, the metals producing alkalies, the metals producing acids, the metals producing oxides, and the supposed metals producing earths. This is a good and satisfactory arrangement. The second part, relating to organized matter, is very short, but contains as much perhaps as is desirable in a work of this character.

7,—*The Claims of the Citizens of the United States on Denmark examined. First published in the Boston Monthly Magazine.* By Caleb Cushing. Boston. 8vo. pp. 18.

On different occasions we have recently called the attention of our readers to the large amount of *Claims*, which our government holds against several of the powers of Europe; and we have especially explained the nature of these claims on Holland, France, and Naples, and exhibited the strong grounds on which they rest. We are glad to see in this pamphlet a similar course pursued, by Mr Cushing, in regard to Denmark. It is time for this whole subject to be sifted, and it is moreover time, that the demands of our citizens should be urged in a manner, which shall demonstrate that the American government will not patiently wait much longer for the tardy exercise of justice. Nothing is gained by delay, but on the contrary much is lost. Every year will increase the reluctance on the part of the foreign powers, to investigate the subject; and it is quite certain, that time will not have the effect to make them see more clearly the force of right, or to pay more willingly an honest debt, already of long standing. Our government and citizens, therefore, cannot be awake to the subject too soon, nor enforce their just demands too earnestly.

'The capture of the American vessels by the Danes,' says Mr Cushing, 'began in 1809. Denmark was at that time an ally of Napoleon's, and engaged in active hostilities against Great Britain, stimulated thereto by the recollection of the two successive attacks of the British on Copenhagen. Friendly relations between the Danish and American governments had existed uninterruptedly down to this period. But in this year thirtysix American vessels were taken and carried into Norwegian ports, and twentyfive into the ports of Holstein, Sleswick, and the Danish Islands. The captors were sailing under commission from the king of Denmark. Their depredations continued in 1810, during which year the number of captures increased to one hundred and four, which induced the government of the United States to despatch Mr George W. Erving to Copenhagen for the special purpose of arresting the progress of these illegal proceedings, and of reclaiming the property captured. His presence and his remonstrances to the Danish ministry had the desired effect in part, as the enterprises of the privateers were gradually restrained, and of many American vessels, which passed the sound in 1811, only about twentyfive were captured or interrupted in their progress.' p. 4.

There were other captures, called *convoy cases*, which were marked with a still higher degree of injustice, and of hardship to the owners.

'A number of American ships went up the Baltic in the spring of 1810, when they paid their Sound dues, were examined by the Danes, and pronounced to be neutral. On their passage down, they were arrested by British force, and compelled to accept convoy. This of course they had no motive to do for protection against Danish cruisers, because they had already passed the ordeal of an examination. When the convoy was attacked by Danish gun brigs, the Americans made no attempts to escape, feeling secure in the ascertained legality of their voyages, and were captured and carried into port, and condemned as good prize. When Mr Erving commenced his negotiations, ten of these cases were still pending, and he made the strongest efforts to procure their release, but without effect.' p. 7.

Suffice it to say, that although Mr Erving succeeded in preventing a few condemnations, yet he obtained no indemnity for losses sustained by our merchants, in consequence of the unjust and high handed conduct of Denmark, in making captures under the circumstances mentioned above. Nor has any restitution whatever been made up to the present day.

Another thing the author thinks it quite time for the American government to look into, which is the duty, or tribute, levied by the Danes on all our ships passing into the Baltic. Since we have shaken off the yoke of the Barbary pirates, it may at least be deemed a question, whether it comports with our character, as an independent nation, to pay tribute to any government, and especially where no *quid pro quo* is received, as would seem to be the case in the present instance.

'The *Sound duties* are paid in the shape both of a tonnage duty and of a duty on commodities. They are regulated by treaty between the Danes and Dutch, the British, Russians, Swedes, French, Prussians, and other nations. The basis of the rate of duty as paid by them, and more especially as paid by Americans, is the tariff established by the States General, in their treaty concluded with Denmark, in 1645, and known as the treaty of Christianopel. The tariff is qualified, however, and sundry additions are made to it, distinguished by the name of usances, and the whole is published in the common form of a tariff of duties on goods. It is not easy to ascertain the *precise* amount paid by us, because the cargoes of our ships, which ascend the Baltic, are not generally made up at home, and therefore cannot be collected from our custom house books. Indeed, the ships engaged in the Baltic trade do not, for the greater part, sail direct for Denmark, Russia, or Sweden. For instance, the American shipping cleared out for Russia between October the first, 1823, and September the thirtieth, 1824, was only 2,201 tons, while the amount entered

from Russia in the same period, rose up to 16,051 tons. Our ships generally take a cargo to some other port, and carry the proceeds, in cash or bills, to Russia, or take cash or bills to some intermediate port, and there purchase a cargo to be carried to Russia, and exchanged for a homeward cargo. Of course, no records here enable us to calculate with exactness the amount of duty paid at Elsinore upon cargoes collected out of the country. But persons conversant in the Russia trade, estimate the number of American vessels, which have annually ascended the Baltic, one year with another, the last three years, to be about one hundred, and the duty paid by each to average from 150*l* to 200*l* sterling, making in all from 15,000*l* to 20,000*l* per annum.' pp. 10, 11.

'Danish writers carry back the establishment of the Sound dues to the time of the ancient Norsemen and the vikings of Norway. It matters not, for the purpose of this argument, if they were ordained by Runic Odin himself, amid the revelries of Valhalla. Suffice it for us, that the reason of the thing seems now to have ceased, and *cessanti ratione cessat ipsa lex.* The dues are said to have originated in a voluntary payment made by vessels entering the sound, as a consideration for the privilege of partaking in the fisheries on the coast, or as a stipend to the vikings to obtain defence against the northern pirates who abounded at that period, or as the price of pilotage, lighthouses, and other helps to navigation, or as a compensation to the Danes for the risk they incurred in suffering foreign ships to approach so near to their shore. But, with the exception of light and beacon money, which is now paid by the ship, in addition to the dues on the cargo, all these reasons for the tribute, supposing them to be the true ones, have passed away with the sea robbers and vikings, in whose barbarous usages they had their birth. But in truth, it is not to be believed, that the Sound dues can boast any such respectable origin. It is altogether improbable, that there ever was an equivalent received by those who paid them, either in protection or in anything else. This may have been the *pretext* under which they were demanded, but the lawless character of the marauding Norsemen would have prompted them to seize upon less valid pretexts than even this, as an apology for making exactions from the defenceless merchantmen or fisherman, who hazarded a voyage into the northern seas. Nevertheless, whether justly or unjustly demanded in the beginning, is quite immaterial to us Americans. All we have to regard is, not whether the antiquated customs of an uncivilized age impose the duty, nor whether this or that people has subsequently chosen to pay it, but whether there is now an adequate existing reason by which, according to the eternal and

unchanging principles of natural justice, we, as an independent nation, are bound to accede to the demand.' pp. 12, 13.

These remarks have force, and it will not be easy to show any defect in the principle on which they are founded, or the results to which they naturally come.

8.—*Report of the Canal Commissioners to the General Assembly of Ohio, December 12th*, 1825. Columbus. 8vo. pp. 54.

The magnificent project of canals, now in operation in Ohio, is second only to the undertaking of the great Erie Canal of New York. And, indeed, considering the different circumstances and resources of the two states, the people of Ohio have, in enterprise and energy, if possible, outdone their neighbors. In cases like this, example does a great deal, to be sure, and the brilliant success of New York afforded at the same time the most profitable lessons of experience, and a sort of guaranty of similar results in Ohio. But, after all, there is something noble and imposing in the people of a comparatively new state coming forward with so much decision and unanimity, resolving on an undertaking of such magnitude, pledging their credit and levying taxes on themselves for carrying it into effect. Such an instance of public spirit, and of activity in a public cause, is hardly on record, as that displayed by the people of Ohio, in their recent measures for improving the internal navigation of the state.

Two canals have not only been projected, but their execution is already in considerable forwardness. The first of these extends from Cincinnati to Dayton, a distance of about sixty miles; the second connects the Ohio river with Lake Erie, beginning near the mouth of the Scioto river, and thence pursuing a devious course through the state, approaching near Columbus, the capital, seeking the head waters of the Muskingum, and Cuyahoga, and meeting the lake at Cleveland. We have seen no exact statement of the entire length of this line, but suppose it to be at some point between two hundred and fifty, and three hundred miles.

An act to provide for the internal improvement of the state of Ohio, by navigable canals, was passed by the legislature on the fourth of February, 1825. An examination had previously been made by authority, to ascertain whether it was practicable to connect the Ohio river and Lake Erie by a canal. This being settled in the affirmative, the act above referred to makes full provision for carrying the plan into execution. Seven commissioners are appointed by the legislature, who are to have the entire super-

intendence of the work. Another board of commissioners is instituted, consisting of three persons, whose office it is to take charge of the canal fund. This board is empowered to borrow money on the credit of the state, at an interest not exceeding six per cent, and to such amount as the legislature shall from time to time determine. The sum specified for the last year was four hundred thousand dollars. Such portion of this sum as was wanted, has been borrowed in the city of New York. For money thus obtained, the commissioners issue transferable certificates of stock, redeemable at the pleasure of the legislature, at any time between the years 1850 and 1875. The bill provides for the annual payment of the interest, by a tax 'on all the property in the state, entered on the grand list, and taxable for state purposes.' Provision is also made for the gradual accumulation of a fund, which, together with the profits of the canals when completed, is pledged for the final redemption of the stock.

From the Report of the Canal Commissioners it appears, that the work has been begun, and is rapidly advancing. Nearly two thousand laborers were employed in November last. The whole amount of contracts already made on the two lines is little short of a million of dollars. The soil throughout the state seems well adapted for constructing canals, and there is no apprehension that water in abundance will not be supplied by the streams. The market of New York, it would appear, is the chief motive inspiring the hopes of the citizens of Ohio, in prosecuting this arduous work of connecting the river with the lake. 'One great object,' say the commissioners, 'proposed by the construction of that canal, and probably the most important, is the opening of a direct and commodious channel of commerce, between the interior of our state and the great commercial emporium of America, where a safe, advantageous, and certain market can at all times be had for the surplus productions of our soil, and such commodities as are desired in return, can always be procured at the fairest rates, and in the greatest abundance.' By this canal a complete internal water communication between New Orleans and New York will be effected.

9.—*A Historical Sketch of the Formation of the Confederacy, particularly with Reference to the Provincial Limits, and the Jurisdiction of the General Government over Indian Tribes, and the Public Territory.* By Joseph Blunt. New York. 1825. Geo. and Charles Carvill. 8vo. pp. 116.

This title expresses very distinctly and fully the purpose of the author, in the work to which it is prefixed. The subject is one,

which has not been handled before in a separate and methodical form, although it holds a conspicuous place in the early history of our government. To reconcile the contending claims of the states to the unappropriated territory, and to satisfy the demands and expectations of each, was among the most embarrassing tasks, which the general Congress was called to execute. By great prudence and good management, however, an amicable adjustment of all difficulties was gradually brought about, the states relinquished their claims, whether real or imaginary, and the sovereignty over all the new territories was ceded to the government of the United States. A concise history of the events leading to these results is the aim of Mr Blunt in the present work.

In an introductory chapter, the author takes a brief view of the original right of Europeans to parts of the American continent, or of the foundation of their claims. He goes back to the papal grants, and then considers in historical order the claims founded on actual possession, prior discovery, charters, conquest, and purchases of the Indians. He dissects the old charters, and shows how extremely vague they were in defining boundaries. In truth, at the time they were given, the ignorance of the geography of this country was such, as to render it impossible to define the limits of any extensive territory. Hence, for the want of any known marks, the *South Sea* was made the charter boundary of several of the provinces on the west. This looseness in fixing boundaries caused an interference among the grants, and in the end produced some of the most serious obstacles to the formation of the confederacy. Mr Blunt has pursued the subject through all its windings. The point will be found pretty largely discussed also, in a former number of this Journal. [*Vol. XIII. p.* 313 *et seq. for Oct.* 1821.] Paine's treatise, entitled 'Public Good,' first published in 1780, and relating particularly to the Virginia claims, exhibits the merits of the case in a very strong light.

Mr. Blunt has rendered a valuable service to the public, in collecting into one body so many historical facts bearing on the same point. This work will greatly facilitate future inquiries; it is executed with apparent fidelity, and patient examination of authentic materials; the style is clear, and the arrangement judicious.

10.—1. *Manifestacion del Ciudadano Manuel de Mier y Terán al Publico.* 4to. pp. 31. Mexico. 1825.

2. *Segunda Manifestacion del Ciudadano Manuel de Mier y Terán.* 4to. pp. 127. Mexico. 1825.

Although these pamphlets are of a controversial nature, they are not without value as historical records. The author, who has

been an officer of high standing in the Mexican army, during the greater part of the revolution, is induced, by circumstances which do not fully appear, to come before the public in vindication of himself from certain charges, which had been advanced against him in relation to his public career. In prosecuting his defence, it becomes necessary for him to recur to many events, particularly in the first stages of the revolution, in which he took an active part. The nature of the subject requires the author to speak perpetually of himself, but it is usually with becoming moderation, and with an apparent candor, which inspire confidence in his statements. It is his purpose, of course, to make his own cause good, but there is no obvious reason for supposing this aim to have turned him aside from an accurate narrative of events, and exposition of facts. In short, amidst the paucity of materials illustrating the revolutionary history of Mexico, these pamphlets may be consulted with profit by such persons, as seek for knowledge on that subject.

It is gratifying to learn, both from passing occurrences, and the late message of the President of the Mexican states, that the government under the new constitution is going into steady and substantial operation, gaining strength from the cheerful support of the people, and the wise administration of the rulers. The experiment of the Federal system seems thus far to have been tried with triumphant success. The states have instituted assemblies, or legislatures, and some of them at least have formed and adopted constitutions. The business of legislation is going on, to all appearance harmoniously and judiciously.

In fact there never was but one reason, or even shadow of a reason, why the *Central* scheme could be imagined to have any preference over the *Federal*, in forming the new government of Mexico. As it regards the intrinsic merit of the two systems, it would seem impossible for any one to suppose for a moment, that the former could approach in any degree to the latter. The simple question was, whether the provinces were in a condition to govern themselves as independent states. Upon this question it was natural, that there should be a difference of opinion, especially after the years of political commotion which had preceded. The example of Colombia, also, would be likely to have some weight in the scale. That government was prospering under the Central system, and hence there might seem greater security, if not a prospect of greater ultimate success, by following in the same track. The abortive attempts of Venezuela and Buenos Ayres to establish the Federative plan, moreover, were no encouraging precedents. But the result has proved, that the circumstances of the cases were not similar, that Mexico had fewer internal diffi-

culties to encounter than those countries, when they endeavored to set up the same form of government, and that the people had improved more by the experience of the revolution. And even when Colombia adopted her Central constitution, she was pressed hard by a foreign foe, and seemed to feel no want more sensibly, than a union of all hearts and hands in the great cause, and the concentration of a power, which could wield the whole mass, and bring the energies of all the parts to act on a single point.

This end was attained; but as things have turned out, it may be questioned whether Colombia would not have prospered equally well, or better, at the outset under the Federative system; and, if so, the future gain would have been incalculable. It is quite certain the time will come, when the growing intelligence of the people will demand a change in the present organization, and call for a form of government more republican in its principles, and better suited to the existence and prosperity of free institutions. To this point we doubt not the statesmen of Colombia are expecting to be drawn in due time. But who does not see, that every year is throwing obstacles in the way? A system is now taking root, which must be in a measure eradicated, before another can be planted in its stead; whereas, had a scion from the genuine stock been first cherished, every hour would have added to its growth and strength. The progress of the country will be doubly retarded by the defects of the present constitution, and by the important changes, which a new one will occasion when introduced. This is said, not in disparagement of the wisdom or motives of the leaders in Colombia, for pursuing the safer course, but as showing the ultimate disadvantages of the scheme, however well it may have answered the purpose of a temporary government.

The Constituent Assembly in Mexico, which decided on the present form of government, was divided into two parties, one called the *central*, and the other the *federal* party. All the higher orders of the clergy, the nobles, and some of the leading officers of the army, were *Centralists*, while the representatives from the provinces were generally *Federalists*. These latter prevailed, very fortunately, as the result has proved, and a government was established, closely resembling that of the United States. It is said, that even Victoria and Bravo were Centralists.

It is obvious from this disposition of the parties, that the Central system in Mexico would have soon put on the garb of a complete aristocracy, that the power would have been kept in a few hands, and the spirit of a truly republican government virtually annihilated. The voice of the people would have been but feebly uttered and rarely heard. At present, however, a very different

process is going on. The inhabitants of the provinces are waked up to a sense of their political existence and consequence; the right of suffrage is understood, and valued, and exercised; the recurrence of elections brings up the merits of men and of measures for examination; representatives assemble to legislate, and acquire new light by mutual discussions of important topics. A portion of this light is diffused among the people, and is already producing most salutary effects. It will increase till it enlightens and animates every corner of the country. Nor will its effects be merely local; the gain in one part will be felt in another, the example and progress of one province will stimulate others, and by this advancement and reaction of intelligence, and the fruits of experience, the foundation of the best form of government will gradually be laid, which will stand firm against the shock of any future accidents.

From the official documents, and public papers in Mexico, nothing is clearer, than that a strong European interest exists there, somewhat to the prejudice of this country. Considering the loans, which the government has obtained from England, and the great amount of capital from that country now employed in the mining business, this bias may doubtless be referred to a natural source. How far it will operate to our disadvantage, in the commercial relations between the United States and Mexico, we shall not predict. On this subject, however, there needs be no uneasiness, while our affairs in Mexico are in the hands of a gentleman so thoroughly qualified to manage them, and who possesses so entirely the confidence of the country, as Mr Poinsett, our present Minister Plenipotentiary.

In connexion with these remarks, we cannot forbear to express the pleasure with which we are enabled to state, from undoubted authority, that the first volume of Mr Restrepo's *History of Colombia* is already completed, and sent to London for publication, both in the Spanish and English languages. It is intended to be printed also in this country. Mr Restrepo is known as the able and indefatigable Secretary of State for the Home Department in Colombia, and no man living probably has enjoyed opportunities so favorable, for becoming acquainted with the history of that republic. From the talents and qualifications of the author, as well as from the importance of his subject, this work may justly be looked for with raised expectations. Mr Restrepo is pursuing his task with as much expedition, as his numerous and weighty public duties will allow, but it is uncertain when the second volume will be in preparation.

11.—*Notes to his Sketch of Bunker Hill Battle.* By S. Swett. Boston. 1825. 8vo. pp. 24.

About seven years ago, Mr Swett published an edition of Humphreys' *Life of General Putnam*, and appended to that work a 'Historical and Topographical Sketch of the Battle of Bunker Hill.' Considerable inquiry had then recently been excited, in regard to the part General Putnam took in that battle. Mr Swett investigated the subject with a good deal of care, and published the results in a connected account of the battle. About the same time a full investigation of the subject was also made in this Journal. [North American Review for July, 1818. Vol. VII. p. 225.] Since that period many other facts have been brought to light, especially by the testimonies formally taken of many persons, who were present at the battle. Several of these testimonies, relating particularly to Putnam, have been collected by Mr Swett, and published in the form of Notes to his Sketch. Taken together, they present a lively picture of parts of the battle. A few of them we shall select.

The first is the testimony of Joshua Yeoman, who was in Putnam's regiment.

'He helped build the fort the night before the battle, led on by General Putnam. Was well acquainted with General Putnam; saw a great deal of him in the action encouraging the men. I saw General Putnam split a fieldpiece in the fort; he could not get the ball into the piece. He went to his saddlebags [haversack] and took a canvas bag of musket balls [grape], loaded the cannon, and fired it at a number of officers who were consulting under a row of trees. I then went to the rail fence; there saw General Putnam riding along the whole line and crying out, "stick to your posts, men, and do your duty;" he was greatly exposed.'

Here follow the accounts of other persons, taken promiscuously from Mr Swett's Notes.

'William Low, Gloucester. Putnam ordered us to carry off intrenching tools; our company went, followed him in Indian file down the hill; the shot flew as thick as hailstone. Putnam was as cool as ever man was. News came the British were landing; Putnam then said it was too late, ordered every man to take a rail on his back, took one himself, went to the other rail fence, and we worked at doubling it. Fired eighteen out of my nineteen cartridges.'

Elijah Jourdan deposes; 'I helped build the intrenchments, and fought within the intrenchment till the British took possession

of our fort, during which time I perfectly well remember that General Putnam was in the said intrenchment [breastwork] very frequently during the engagement, giving orders as commander in chief; and I perfectly recollect, that he was in the fort* when the reinforcement of the British came up. While we were waiting for the British to come up the Hill, orders were given to us not to fire till we could see the whites of their eyes; and this order, I was then told, came from General Putnam; but I did not hear it from him. I knew General Putnam's person perfectly well at that time, having frequently seen him before.'

Ezra Runnels, Middleborough, deposes before Wilkes Wood, Esquire.

'I belonged to Captain Gridley's artillery company. Went on to the Hill with the company, and two small pieces, the evening before the battle; and was at and near the redoubt during the battle, until our party retreated. I well remember of seeing General Putnam at the breastwork during the battle. Before that time, residing in Groton, Connecticut, was personally acquainted with him. I repeatedly saw him during the action walking upon the breastwork and animating the men to exert themselves. Captain Gridley, having received some cartridges, which were too large for our pieces, said that nothing could be done with them, and left his post, and our company was scattered. General Putnam came to one of the pieces, near which I stood, and furiously inquired where our officers were. On being told our cartridges were too big, and that the pieces could not be loaded, he swore, and said they could be loaded, taking a cartridge, he broke it open, and loaded the pieces with a ladle, which was discharged; and assisted us in loading two or three times in that manner.'

'Philip Johnson deposes that he was at the rail fence. While there, just before the action began, he saw General Putnam on horseback very near him, and distinctly heard him say, "Men, you know you are all marksmen, you can take a squirrel from the tallest tree. Don't fire till you see the whites of their eyes." Immediately after the first retreat of the British, General Putnam rode up and said, "Men, you have done well, but next time you will do better; aim at the officers." The British entered the redoubt without much firing, and the retreat commenced. Just as Mr Johnson left his place at the rail fence, about half a gun shot from the redoubt, General Putnam rode up, his horse covered with foam, and said something, he does not distinctly know what, and rode off. "The balls were flying as thick as peas."'

* 'This was a little before the battle; during the battle the distinguished hero and patriot, Colonel Prescott, had the entire and uncontrolled command in the redoubt.'

'William Dickson says, before we took up our march for Bunker Hill, and before we reached Prospect Hill, I am sure I heard the musketry fire. Battle began a great while before we reached Bunker Hill. The musket balls flew very thick where Putnam was, nearly or quite on top of Bunker Hill. He did not seem to mind it. The balls pierced a cartridge box, a hat, and breech of a gun. Putnam had his sword in his hand, and hallooed to us to drive up.'

Such are a few only of the testimonies published by Mr Swett. Many facts were obtained from the survivors of the battle, who were present at the celebration in June, 1825. Mr Swett encourages us to expect from him a detailed account of the battle, which the mass of materials now in existence would enable him to draw up with great minuteness and accuracy. We hope he will prosecute this design.

12.—*Remarks on the Banks and Currency of the New England States; in which an Attempt is made to show the Public Benefits resulting from the System pursued by the Allied Banks in Boston. First published in the Boston Daily Advertiser.* 8vo. pp. 40. Boston.

The object of this pamphlet appears to be, to defend the course lately pursued by several of the banks in Boston, of receiving at par, in all payments to them, the bills of the country banks, and returning them to the banks by which they are issued, for redemption. This course of measures having produced a material change in the circulating medium of the New England states; and having been a subject of general complaint on the part of persons interested in the country banks, it became a question deserving of candid consideration, whether the change in any way promotes the public interest, and whether it interferes with the rights of any of the parties affected by it.

The remarks begin with a statement of some general principles respecting currency, tending to illustrate and enforce the position, that the first requisite of a good paper currency is its ready convertibility with gold and silver, whenever these are preferred by the holder; and to show that the holder of the bills of any bank must have a perfect right, founded on the very condition which gives currency to the bills, to return them to the bank, and demand gold and silver, whenever it may suit his convenience.

It is stated that there are in the New England states, a hundred and fortyseven banks, having an aggregate capital of nearly

thirty millions of dollars, and having bills in circulation to an amount exceeding ten millions. The bills of all these banks have generally been current as money in all parts of the New England states, particularly in Boston, the centre of a great portion of the business of these states. There was, however, until the adoption of the measure above referred to, one important exception to the general currency of these bills. None of those issued by the banks situated out of Boston, were received at par in any payments made to the banks in Boston. It would appear at first blush, that this refusal would be injurious to the country banks, and that to give them full credit, on an equal footing with the bills of the town banks, would be regarded as a benefit. The fact was the reverse. As they were freely received in most payments except to the banks, they were easily put into circulation, and when the holder had occasion to pay money to a Boston bank, or to procure specie, instead of sending the bills to the issuing banks in the country for specie, he usually exchanged them at a small discount, with some one in Boston, who would give him Boston money. The exchanging of Boston money for country money, and *vice versâ*, became a regular business, and it is estimated by the author of this pamphlet, that the exchanges each way amounted to nearly a hundred thousand dollars a day; the discount on country money being generally one per cent.

This discount operated as a premium to keep the bills of country banks in circulation, in preference to Boston money, which was reserved almost exclusively for payments to the banks, and was consequently returned to the issuing banks almost as soon as paid out. The consequence was, that Boston banks, which, from the magnitude of their capital, and their extent of business, might be supposed to be in the best credit, and to have the greatest facilities for putting their bills into circulation, had in fact the smallest proportion of circulation; and the most remote banks, though of small capital, even if their credit was a little doubtful, had the largest circulation. This fact is proved by a variety of statements, drawn from the official returns of the banks. For example, in June, 1809, the three only banks then in Boston, with a capital of $3,800,000, had a circulation of only $646,221, while at the same time, five other banks in the state, situated more than a hundred miles from Boston, with a capital of $700,000, had a circulation of $797,863. In January, 1819, the seven banks in Boston, with a capital of nearly seven millions, had a less circulation, than the seven most distant banks in the state, with a capital of less than a million of dollars. A similar inequality of circulation in favor of the distant banks is shown to have existed in New Hampshire and Maine, those in the large trading towns

having a very small, and those in the interior or remote towns, a very large circulation. The writer argues that this advantage, of so disproportionate an increase of trading capital, derived from circulation, was not one which of right belonged to them, or which necessarily resulted from their local situation; but that it resulted from the mistaken policy of the conductors of the Boston banks, in not receiving all such descriptions of money, as the citizens in general received in all transactions not connected with the banks. He argues, also, that it is the duty of the banks in town, resulting from the offices which they undertake to perform for the public, to receive in payments, in ordinary cases, such bank notes as are in general currency among the community whom they serve, provided this can be done without any material sacrifice on their part.

This duty, within the last year, several of the banks of this town undertook to perform, and from their concert in this measure, they have been denominated the *allied banks*. They receive at par in all payments, and on deposite from their customers, the bills of all the banks in New England, in good credit, and transfer them daily at par to one of their number, which, in consideration of a specific sum loaned from each of the associates without interest, returns them to the several issuing banks for redemption, except in cases where provision is made for their redemption here. A large proportion of the bills thus taken, are in fact redeemed here, by the agents of the country banks, or by remittances made by them for the purpose; and to facilitate this mode of redeeming them, these remittances are permitted to be made in any description of country bills, as well as in Boston bills or specie. The effect of this arrangement on the general circulation, is described to be, 'to give to each bank the benefit of the principal circulation of its own neighborhood, and to direct the bills of all, on their way homeward, whenever they fall within the natural sphere of the circulation of any other bank.' Under this arrangement, more than seventeen millions of dollars, in bills of the country banks, have already been received by the allied banks.

The amount received within the four or five last months, has been more than two millions of dollars a month. The author computes, that the amount exchanged monthly, at the period when country bills formed the general circulation, and the common rate of discount was one per cent, was from two to three millions a month, so that a tax of about three hundred thousand dollars annually was paid in Boston, in premiums for the exchange of money taken at par. This tax, and the inconvenience of being obliged to keep two kinds of money, is now avoided; the general currency is improved by the circulation of a larger proportion of

bills issued by banks of large capital and extensive business; and the advantages, which the several banks derive from the circulation of their bills, are more equally distributed. The distant banks still have the advantage of a much larger circulation in proportion to their amount of capital, than those which are situated in and near the large towns, but the statements in the pamphlet founded on the official returns at different dates, show very conclusively, that the inequality is greatly lessened. The amount of bills in circulation issued by banks in Boston, is about double that exhibited by the returns four years ago, while the circulation of the distant banks is diminished by a quarter, although the aggregate of their capital has been increased in a proportion equal to that of the banks in Boston.

NOTICE.

We owe an apology to the public, and to the author, for delaying so long to notice, in a proper manner, Mr Dane's Abridgment and Digest of American Law. The publication of this work has been completed, in eight large octavo volumes, constituting an imposing monument of the author's talents, great legal knowledge, and extraordinary perseverance; and containing a mass of materials selected and arranged in such a manner, as to render the work exceedingly important to the Profession in every part of this country. It has been the labor of forty years, with all the advantages, which a public and professional man could possess. Mr Dane was in the Old Congress, and has been a careful observer of the progress of our legal institutions, from the very beginning of the Union. An article is now in preparation, in which this learned author's work will be examined at large, and which may be expected in our next number.

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Elements of Electricity, Magnetism, and Electro-Magnetism; embracing the late Discoveries and Improvements, digested into the Form of a Treatise; being the Second Part of a Course of Natural Philosophy, compiled for the Use of the Students of the University at Cambridge, New England. By John Farrar, Professor of Mathematics and Natural Philosophy. 8vo. pp. 395. Boston. Cummings, Hilliard, & Co.

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A Memorial on the Upward Forces of Fluids, and their Applicability to several Arts, Sciences, and Public Improvements, for which a Patent has been granted by the Government of the United

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The Franklin Journal and American Mechanic's Magazine. Monthly. Vol. I. No. 1. Philadelphia. I. Dobson.

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This book seems to us well planned and executed for the use of schools, and of young persons desirous of obtaining a knowledge of the elementary principles of Astronomy. It comprises a much greater number of facts, illustrating the science, than is usual in works of this description. The designs of the drawings are well selected for the instruction of the learner. It is, probably, a fault in the work, that in some parts it goes a little too deeply into the intricacies of the science, for a treatise intended to be strictly elementary.

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The author's purpose will be best understood from his own words, which are here quoted from his preface.

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The North American Medical and Physical Journal. Vol. I. No. 1. Philadelphia.

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The Atlas for the Improved Edition is newly engraved, contains a chart showing the comparative height of the principal Mountains, and of the comparative length of the principal Rivers in the world, and is intended to be as perfect as a work of the kind can be made.

Cummings' Pronouncing Spelling Book.

THIS Spelling Book is adapted to Walker's Critical Pronouncing Dictionary, and the precise sound of every syllable is accurately conveyed in a manner perfectly intelligible to every capacity; by J. A. Cummings, A. M. Author of Ancient and Modern Geography, &c. &c.

The extensive sale of this work, and the numerous testimonies of instructers

and literary gentlemen, are sufficient proof of the excellence of its plan and execution. Indeed, those who consider the importance of teaching their children the correct pronunciation of the English language, while they are learning to read it, cannot but highly appreciate the plan of this Spelling Book. How frequently do we find that the errors in pronunciation, into which persons are allowed to fall in their childhood, continue to be repeated through life. It is certainly much easier for a child to acquire a correct pronunciation, than for an adult to reform a bad one.

In using Cummings' Spelling Book it requires but little pains to render the child able to determine the precise sound of every letter, and to make it more natural and easy for him to pronounce the words correctly than incorrectly. A little embarrassment is experienced at first, from the small letters which are used to designate the sounds of the others, but this is readily overcome, and the scholar is then possessed of a system which will enable him to pronounce all the words in his book correctly, and the instructer is saved the labour and frequent interruption which are suffered by the necessity of pronouncing words for the scholar.

In this edition a selection of very interesting reading lessons has been added, making it, it is believed, altogether the best Spelling Book in use.

Cummings' First Lessons in Geography and Astronomy.

It is hardly necessary to say any thing in commendation of a work which is so extensively known, and so generally esteemed.

The public are not, however, sufficiently aware of the ease and advantage with which such simple lessons, in these important sciences, may be learned by small children. The time which is nearly wasted in the study of Grammar, if employed in acquiring the elements of more exact sciences, would give the scholar not only a taste for them, but important information. Geography is so simple a science, that children of six or seven years of age may begin to understand it; and when a few of its elements are acquired, something may also be profitably taught them of the worlds around us.

Cummings' First Lessons is known to be far preferable to any other work in use, for introducing these subjects to the minds of children. The proprietors have taken great pains to render the work correct, and deserving of a still more extensive patronage.

Colburn's First Lessons in Arithmetic.

The merits of this little work are so well known, and so highly appreciated in Boston and its vicinity, that any recommendation of it is unnecessary, except to those parents and teachers in the country, to whom it has not been introduced. To such it may be interesting and important to be informed, that the system of which this work gives the elementary principles, is founded on this simple maxim; that, *children should be instructed in every science, just so fast as they can understand it.* In conformity with this principle, the book commences with examples so simple, that they can be perfectly comprehended and performed mentally by children of four or five years of age; having performed these, the scholar will be enabled to answer the more difficult questions which follow. He will find, at every stage of his progress, that what he has already done has perfectly prepared him for what is at present required. This will encourage him to proceed, and will afford him a satisfaction in his study, which can never be enjoyed while performing the merely mechanical operation of ciphering according to artificial rules.

This method entirely supersedes the necessity of any rules, and the book contains none. The scholar learns to reason correctly respecting all combinations of numbers; and if he reasons correctly, he must obtain the desired result.

The scholar who can be made to understand how a sum *should* be done, needs neither book nor instructer to dictate how it *must* be done.

This admirable elementary Arithmetic introduces the scholar at once to that simple, practical system, which accords with the natural operations of the human mind. All that is learned in this way is precisely what will be found essential in transacting the ordinary business of life, and it prepares the way, in the best possible manner, for the more abstruse investigations which belong to maturer age. Children of five or six years of age will be able to make considerable progress in the science of numbers by pursuing this simple method of studying it; and it will uniformly be found that this is one of the most useful and interesting sciences upon which their minds can be occupied. By using this work children may be farther advanced at the age of nine or ten, than they can be at the age of fourteen or fifteen by the common method. Those who have used it, and are regarded as competent judges, have uniformly decided that more can be learned from it in one year, than can be acquired in two years from any other treatise ever published in America. Those who regard economy in time and money, cannot fail of holding a work in high estimation which will afford these important advantages.

Colburn's First Lessons are accompanied with such instructions as to the proper mode of using them, as will relieve parents and teachers from any embarrassment. The sale of the work has been so extensive that the publishers have been enabled so to reduce its price, that it is, at once, the cheapest and the best Arithmetic in the country.

Colburn's Sequel.

This work consists of two parts, in the first of which the author has given a great variety of questions, arranged according to the method pursued in the First Lessons; the second part consists of a few questions, with the solution of them, and such copious illustrations of the principles involved in the examples in the first part of the work, that the whole is rendered perfectly intelligible. The two parts are designed to be studied together. The answers to the questions in the first part are given in a Key, which is published separately for the use of instructers. If the scholar find any sum difficult, he must turn to the principles and illustrations, given in the second part, and these will furnish all the assistance that is needed.

The design of this arrangement is to make the scholar understand his subject thoroughly, instead of performing his sums by rule.

The First Lessons contain only examples of numbers so small, that they can be solved without the use of a slate. The Sequel commences with small and simple combinations, and proceeds gradually to the more extensive and varied, and the scholar will rarely have occasion for a principle in arithmetic, which is not fully illustrated in this work.

Colburn's Introduction to Algebra.

Those who are competent to decide on the merits of this work, consider it equal, at least, to either of the others composed by the same author.

The publishers cannot desire that it should have a higher commendation. The science of Algebra is so much simplified, that children may proceed with ease and advantage to the study of it, as soon as they have finished the preceding treatises on arithmetic. The same method is pursued in this as in the author's other works; every thing is made plain as he proceeds with his subject.

The uses which are performed by this science, give it a high claim to more general attention. Few of the more abstract mathematical investigations can be conducted without it; and a great proportion of those, for which arithmetic is used, would be performed with much greater facility and accuracy by an algebraic process.

The study of Algebra is singularly adapted to discipline the mind, and give it direct and simple modes of reasoning, and it is universally regarded as one of the most pleasing studies in which the mind can be engaged.

THE AUTHOR'S PREFACE.

The first object of the author of the following treatise has been to make the transi-

tion from arithmetic to algebra as gradual as possible. The book, therefore, commences with practical questions in simple equations, such as the learner might readily solve without the aid of algebra. This requires the explanation of only the signs plus and minus, the mode of expressing multiplication and division, and the sign of equality; together with the use of a letter to express the unknown quantity. These may be understood by any one who has a tolerable knowledge of arithmetic. All of them, except the use of the letter, have been explained in arithmetic. To reduce such an equation, requires only the application of the ordinary rules of arithmetic; and these are applied so simply, that scarcely any one can mistake them, if left entirely to himself. One or two questions are solved first with little explanation in order to give the learner an idea of what is wanted, and he is then left to solve several by himself.

The most simple combinations are given first, then those which are more difficult. The learner is expected to derive most of his knowledge by solving the examples himself; therefore care has been taken to make the explanations as few and as brief as is consistent with giving an idea of what is required.

In order to study this work to advantage, the learner should solve every question in course, and do it *algebraically.* If he finds a question which he can solve as easily without the aid of algebra as with it, he may be assured, this is what the author expected. If he first solves a question, which involves no difficulty, he will understand perfectly what he is about, and he will thereby be enabled to encounter those, which are difficult.

When the learner is directed to turn back and do in a new way, something he has done before, let him not fail to do it, for it will be necessary to his future progress; and it will be much better to trace the new principle in what he has done before than to have a new example for it.

The author has heard it objected to his arithmetics by some, that they are too easy. Perhaps the same objection will be made to this treatise on algebra. But in both cases, if they *are* too easy, it is the fault of the subject, and not of the book. For in the First Lessons, there is no explanation; and in the Sequel there is probably less than in any other books, which explain at all. As easy however as they are, the author believes that whoever undertakes to teach them, will find the intellects of his scholars more exercised in studying them, than in studying the most difficult treatise he can put into their hands.

Worcester's Geography.

Elements of Geography, Ancient and Modern, with an Atlas.

In this Geography scholars are examined for admission into Harvard and other Colleges. It is also, by order of the school committee, used in all the public Grammar Schools in Boston, and to great extent through the country.

RECOMMENDATIONS.

The Corporation of the University in Cambridge, being of opinion that Mr. Worcester's "ELEMENTS OF GEOGRAPHY" is a work of peculiar merit as an elementary system, have adopted it as the book to be used in the examination of candidates for admission into that seminary. J. T. KIRKLAND, President.

"Mr. Worcester's Geography appears to us a most excellent manual. It is concise, well arranged, free from redundancies and repetitions, and contains exactly what it should, a brief outline of the natural and political characteristics of each country. The tabular views are of great value." *North American Review.*

"We consider the work, in its present state, as the best compend of Geography for the use of schools, which has appeared in our country." *Monthly Literary Journal.*

"From a careful examination of thy Geography, and a comparison of the work with other productions of like character, I am led to the opinion that it is the most valuable system of elementary geography published in our country."

Roberts Vaux, Esq.

"I have no hesitation in expressing it as my opinion, that it contains more valuable matter, and better arranged, than any similar work of its size I have ever met with."

Professor Adams.

"I cannot hesitate to pronounce it, on the whole, the best compend of geography for the use of academies, that I have ever seen." *Rev. Dr. S. Miller of Princeton.*

"Of all the elementary treatises on the subject which have been published, I have seen none with which I am on the whole so well pleased, and which I can so cheerfully recommend to the public." *President Tyler of Dartmouth College.*

RECOMMENDATIONS.

"Mr. Worcester's ELEMENTS OF GEOGRAPHY is esteemed here a work of distinguished merit. It is adopted as the book to be used in the preparatory department of this institution and in examining candidates for the Freshman Class."

Ira Chase, Professor Columbian College.

From the Hon. Judge Story, LL. D.

I examined the last edition of your Elements of Geography, and have no hesitation to express my entire approbation of the work. It appears to me to embrace, in a very concise, clear, and exact method, all the principal facts, which are proper for the instruction of youth.

From the Rev. Samuel Miller, D. D.

Messrs. Cummings, Hilliard, & Co. *Princeton, May* 14, 1823.

Gentlemen, I can say, with great sincerity, that the perusal of the "ELEMENTS OF GEOGRAPHY, Ancient and Modern," by Mr. J. E. Worcester, has given me much pleasure. Its general accuracy; its universal comprehensiveness; the judicious and lucid order of its "Tabular Views;" and the large amount of valuable information which the author has contrived to embody in its pages, certainly entitle it to high commendation. I cannot hesitate to pronounce it, on the whole, the best compend of Geography, for the use of Academies, that I have ever seen.

I am Gentlemen, most respectfully, your obedient servant,

SAMUEL MILLER.

Extract of a letter from Roberts Vaux, Esq.

Philadelphia, 4th mo. 15, 1823.

J. E. Worcester—Esteemed Friend—From a careful examination of thy GEOGRAPHY AND ATLAS, and a comparison of the work with other productions of like character, I am led to the opinion that it is the most valuable system of Elementary Geography published in our country. I hope it may be universally adopted in our schools. Thy friend,

ROBERTS VAUX.

Sketches of the Earth and its Inhabitants;

COMPRISING

A Description of the Grand Features of Nature; the Principal Mountains, Rivers, Cataracts, and other Interesting Objects and Natural Curiosities: also of the Chief Cities and Remarkable Edifices and Ruins; together with a View of the Manners and Customs of Different Nations: *Illustrated by One Hundred Engravings.*

EXTRACTS FROM REVIEWS, &c.

"We have attentively perused these 'Sketches,' and have no hesitation in saying that we know of no similar work, in which instruction and amusement are so much combined. The accuracy of the statements, the brevity and clearness of the descriptions, the apposite and often beautiful quotations from books of travels and from other works, continually excite and gratify the curiosity of the reader."

Christian Spectator.

"We consider the 'Sketches' well suited to give a large fund of entertainment and instruction to the youthful mind." *North American Review.*

"We know of no book which would be more suitable to be read by scholars in our higher schools, and which would excite more interest in the family circle."

R. I. American.

"These volumes are extremely entertaining, and may be recommended to the perusal of those even, who conceive themselves to be past the necessity of elementary instruction." *Christian Examiner.*

"The 'Sketches' &c. form a most valuable companion to the '*Elements of Geography,*' admirably calculated to interest the attention, and impart useful knowledge to our youth." *Roberts Vaux, Esq.*

"The work is, in my opinion, ably executed, and well fitted to be both popular and useful." *Rev. Dr. S. Miller.*

Wilkins' Astronomy.

ELEMENTS OF ASTRONOMY, illustrated with Plates, for the use of Schools

and Academies, with Questions. By John H. Wilkins, A. M. Second edition. Price 87½ cents.

The design of this work is to exhibit the leading facts and to illustrate the leading principles of Astronomy in a manner interesting and useful to those scholars who do not intend to pursue the subject to great extent. It may be studied without a knowledge of the higher branches of mathematics; and contains familiar illustrations of the most striking phenomena of nature. The work passed to a second edition in a few months, and is used in the principal schools in Boston and the vicinity; and is coming into very general use.

The numerous testimonies to the excellence of this work and the rapid sale which it has received, have already given it a reputation far above any other work of the kind in this country. Mr. Wilkins' method of illustrating the facts and principles belonging to this science is uncommonly happy. The scholar is made to appreciate the value of his subject, and to feel that he is aided by an interesting and competent instructer. The difficulties which are continually annoying and discouraging him while studying other treatises on Astronomy, are not even imagined to exist while pursuing the simple and lucid illustrations of Mr. Wilkins. This work is peculiarly adapted for the use of academies and the higher classes in common schools.

When it is considered how well the science of Astronomy is calculated to expand and ennoble the human mind, and how naturally and intimately it is connected with our highest duties and our highest hopes, we cannot doubt that an enlightened public will soon regard it as an essential branch of education in all our schools, and we are confident that this work will be found worthy of being generally adopted.

Elements of Logic;

Or a Summary of the general Principles and different Modes of Reasoning. By Levi Hedge, A. M. Professor of Logic and Metaphysics, in Harvard College. Fourth edition. Price 87 cents.

EXTRACTS FROM THE PREFACE TO THE FIRST EDITION.

Most of the treatises of Logic in common use have been formed on the model of the ancient systems, and are encumbered with many scholastic subtilties and unimportant distinctions. The instructions which they furnish on the subject of ratiocination, consist of very little more, than a description of the syllogism, and a few general principles of demonstrative reasoning. They contain no elements nor rules to assist us in reasoning on subjects of probability, or on the ordinary events of human life. The manner in which these books are written is ill adapted to the comprehension of young minds. In explaining the operations of reasoning, many technical terms and arbitrary forms are employed, of which the tendency is rather to embarrass and perplex, than to instruct the learner.

The writer of this compend has pursued the following plan. After passing through the customary distinctions of terms and propositions, he has given a brief account of moral evidence, and pointed out the circumstances, which distinguish it from demonstrative. A concise view is then given of the different forms of reasoning, with the principles on which they respectively proceed.

The American First Class Book.

THE AMERICAN FIRST CLASS BOOK, or Exercises in Reading and Recitation, selected principally from Modern Authors of Great Britain and America, and designed for the use of the highest Class in public and private Schools. By John Pierpont, Minister of Hollis-street Church, Boston. Author of Airs of Palestine, &c.

A demand for a book of this kind for the use of higher Classes has long been felt both in our public and private Schools, and its almost unexampled sale is some evidence of its adaptation to the end for which it was designed. It has, as will be seen by the certificate which is subjoined, been adopted by the School Committee of Boston, instead of Scott's Lessons, and its circulation is fast extending.

CUMMINGS, HILLIARD, & CO.
RICHARDSON & LORD.

EXTRACT FROM THE PREFACE.

This Book has been compiled with a special reference to the Public Reading and Grammar Schools of this City. It is the result of an attempt to supply the want, which

has long been a subject of complaint among those whom the citizens of Boston have charged with the general superintendence of their public schools, as well as with those who are appointed to the immediate instruction of them; of a book of Exercises in Reading and Speaking, better adapted than any English compilation that has yet appeared, to the state of society as it is in this country; and less obnoxious to complaint, on the ground of its national or political character, than it is reasonable to expect that any English compilation would be, among a people whose manners, opinions, literary institutions, and civil government, are so strictly republican as our own.

EXTRACT FROM THE RECORDS OF THE SCHOOL COMMITTEE, BOSTON.

At a meeting of the School Committee, held July 18, 1823, it was ordered, that the American First Class Book be hereafter used in the public reading schools instead of Scott's Lessons. Attest, WILLIAM WELLS, *Secretary.*

The Friend of Youth.

The FRIEND OF YOUTH, comprising a great variety of useful and interesting lessons in prose and poetry, adapted to the use of schools. By Noah Worcester, D. D. Second Edition, revised and improved.

The peculiar excellences of this work consist in the purity and simplicity of the style and sentiments. In a great proportion of the reading books in our schools, there is too little regard in the selection of lessons to a natural and easy style of expression; and they are not only calculated to corrupt the taste of children, but to give them an artificial and pompous mode of reading. In the Friend of Youth the beauty and simplicity of nature have been carefully regarded while a pleasing variety has been preserved.

But the principal object of the author seems to have been to render the work totally destitute of such expressions and sentiments as flow from the corrupt passions of men, and engender discord and strife. It is not too much to say, that in this respect, this book is eminently distinguished from most of those now in use. If any Christian will keep in mind, that love to our fellow-men is our first duty as social beings, and compare the amiable spirit, and the just and benevolent precepts which abound throughout this work, with the selfish and contentious effusions of selfish and jarring statesmen, of warring heroes, and of licentious poets, which so frequently disgrace the pages of others, we think he cannot hesitate in deciding which will afford him most aid in training up his children in the way they should go.

Adams' Latin Grammar.

Adams' Latin Grammar, with some improvements and the following additions; Rules for the right Pronunciation of the Latin Language; a Metrical Key to the Odes of Horace; a list of Latin Authors, arranged according to the different ages of Roman Literature; Tables showing the Value of the various Coins, Weights, and Measures used among the Romans. By B. A. Gould, Master of the Public Latin School in Boston. This Edition is adopted by the University at Cambridge, Mass. and is recommended to the use of those preparing for that Seminary.

Extract from the Preface.

The experience of twenty-six years, and the united approbation of the most judicious instructers in our country, give ample testimony to the excellence of Adams' Latin Grammar. And it is worthy of remark, that amidst the changes of almost every thing connected with education, this work has maintained its popularity throughout the country since the year 1799, when it was recommended by the University of Cambridge. But several typographical errors, which were adopted from that Edinburgh edition, from which the first American edition was copied, have been transmitted through subsequent editions to the present time with such scrupulous exactness, that they have now become canonized and are received as authority. Besides these, other errors have been creeping in, till a thorough revision of the work has become necessary. At the time this book was first compiled, the state of education in Scotland may have been such as to render the connexion of the Latin with the English necessary, in the manner they were blended by Dr. Adams; but that necessity does not exist in this country, where English Grammar is separately taught from the more complete systems of Lowth and Murray. For this reason, and because what is not used in a manual becomes a hindrance, the portion pertaining exclusively to English Gram-

mar has been omitted in this edition; and some few additions and alterations have been made which were deemed important. But in all cases where it was practicable, the words of the original grammar have been preserved.

Jacobs' Latin Reader.

The Latin Reader, from the fifth German edition, by Frederic Jacobs, Editor of the Greek Anthology, the Greek Reader, &c. &c. Price 75 cents.

PREFACE BY THE AMERICAN EDITOR.

On bringing before the public a new elementary work in the Latin language, a few words are necessary to explain its character and claims to attention.

The Latin Reader, which is here published, was compiled by Professor Frederic Jacobs, of Gotha, who has distinguished himself so much in ancient literature, that he needs no other commendation than a reference to his works. Having long been engaged in the cares of instruction and the pursuits of a scholar, he is in every respect qualified to make judicious selections for the purposes of teaching. His objects in the present book are best explained by himself in the prefaces to the German editions.

According to the custom of our schools, the learning of Latin is begun in those tender years, when the understanding has hardly been exercised, and this study is almost the first, which awakens and directs the attention to abstract ideas. The first book is therefore so arranged, as not only to facilitate the acquisition of a mechanical knowledge of the Latin, but what, for the general purposes of education, is far more important, to convey an idea of the formation and structure of the language.

It is desirable especially where there exists no monuments to remind us of the classic ages, to choose for the young mind subjects, which shall at once lead to some knowledge of antiquity. It is not unimportant what topics are presented as first exercises. No age should be little esteemed; and those who are to become scholars should never be employed upon subjects which can excite no interest and impart no instruction. Above all things they must be early introduced into the ancient world, that their first associations may be connected with it. In this view it will be acceptable that an outline of the History of Rome, and some geographical notices of the ancient world are introduced.

The pupil may be employed upon the easiest lessons in the Reader, as soon as he has become familiar with the declension of the nouns and the regular conjugations. The exclusive study of grammar retards the learner. He must soon begin to read, and while he is thus exercising all that he has learnt, be made to continue the study of the elements. He will find his progress in reading attended with no increasing difficulty, as the work is so carefully arranged that there exists no rapid transitions.

The editor, in publishing this work in America, has been influenced by a sincere belief, that it forms an easy introduction to the language and character of the Roman world. His duties as a teacher led him to the comparison of many similar works now used in England and on the continent. This seemed to him the best; and having already used it in the school with which he is connected, he has found his opinion confirmed by his experience. The German publication is composed of three parts, of which the first is exclusively the work of Jacobs, and is here offered entire. To give opportunity for exercising the pupil in the declensions and conjugations, a few introductory lessons, which have been taken from different sources, are annexed to the preface.

The second part embraces a life of Cicero, and various easy sentences and narrations, compiled and extracted from the works of the Roman Orator by F. W. Döring, together with outlines of ancient universal History, compiled by Jacobs, principally from the historian Justin. This second part will also be offered to the public, if there should be reason to think that it will be acceptable. The Editor ventures to ask the attention of others engaged in teaching for the school book, which is now first published in our country—

——————Si quid novisti rectius illis,
Candidus imperti, si non, his utere mecum.

GEORGE BANCROFT.

Northampton, March, 1825.

In press, an Edition of VIRGIL, with notes in English.

The Latin Reader, Part Second,

Chiefly from the Fourth German Edition of F. Jacobs and T. W. Doering. Price 75 cents.

PREFACE TO THE AMERICAN EDITION.

The present continuation of the Latin Reader has for its object, to provide a work suited to the purposes of instruction in the Latin language, of a classic character, interesting to the young mind, and conveying useful information. The first part of this little volume contains select fables from Phædrus; these are followed by extracts taken almost entirely from Cicero and Livy; the volume closes with an abridgment of Justin, for the excellence of which the name of Jacobs is alone a sufficient guarantee. Most of the "Short Narrations" were selected by Doering, who acted in concert with Jacobs. A few more have been added from the twelfth German edition of an elementary work, compiled by Broeder. But it is not by the authority of celebrated names that a school book must be supported. If the present one has any excellence, it consists in this, that by means of judicious and easy selections, the pupil is at once introduced to the fine passages and pure writers of antiquity, without encountering difficulties beyond his strength.

In conducting instruction in an ancient language order and clearness are of the first importance, nor can the method of analysis be too much recommended. The practice of double translation is attended with many advantages; although it is in itself insufficient, since it too easily degenerates into an exercise of memory. It is also well, occasionally, to require of the pupil an accurate translation into English of his exercise, which he may then on a subsequent occasion, without recurring to the original, read back again into Latin. Here memory will do much; but judgment will also perform its part, and the learner will soon diminish the fatigue of the labour by storing his mind with words and phrases. At any rate the lesson remains too deeply imprinted on the memory to be forgotten.

The teacher, in giving instruction, will perceive the necessity of directing his main attention to the language. The rules of grammar in their various application need to be explained; and it is especially important to illustrate each individual word with philosophical method and accuracy with reference to its derivation, its primary signification, and the meanings, which it subsequently acquires. To make critical emendations of the text would be out of place with boys. Indeed it never in this country can become a principal object of attention. GEO. BANCROFT.

Northampton, September, 1825.

Buttmann's Greek Grammar.

GREEK GRAMMAR, principally abridged from that of Buttmann, for the use of schools. Price 62½ cents.

PREFACE.

The superiority of Buttmann's Greek Grammar over any other is acknowledged; but it appears to many instructers, whose judgment deserves the highest respect, that the work presupposes in those who are to make use of it more maturity of mind, than is to be expected of beginners. A desire has, therefore, been repeatedly expressed, that a small Grammar, in accordance with Buttmann, might be prepared for those entering on the study of the Greek language. Such a grammar is now offered to the practical teacher.

This abridgment is designed to contain only the accidence and first principles of the language. All matter that is not of immediate importance and utility has been rejected; and it has uniformly been endeavoured to unite simplicity in the arrangement with clearness and conciseness in the expressions. In preparing the work the best school grammars of the Germans and the English have been carefully consulted on every point, and the judgment of the editor in what is retained and what is omitted has been directed by a comparison of the best manuals. Particular assistance in these respects has been derived from the smaller grammar of Thiersch. The chapter on adjectives, the account of the contract verbs, and the remarks on the Homeric dialect, are entirely, or partly from him. Still there is nothing, which is not either contained or implied in the grammar of Buttmann, from which this professes to be taken.

The practical instructer has here in a small compass all that is essential to be taught

in preparing a pupil for any of our colleges. The attention of the youngest can be directed without difficulty to those things, which should sink deeply into the memory. Too much care can hardly be taken to make the learner familiar with the forms of the nouns, and the paradigms of the verbs. These should be as familiar as are the Latin declensions and conjugations. In analyzing a sentence the attention must first be directed to the finite verb. That is always a key to the rest, and it will not then be difficult to discover by degrees the subject and object, and their respective qualifications.

It should be added, that this abridgment was undertaken at the request of the translator of Buttmann's Grammar, and that the manner in which it is executed is in conformity to his views and counsel.

This circumstance makes it improper to enlarge on the merits of the American translation from Buttmann. But the editor may be permitted to bear his testimony, from experience in instruction, to the superiority of the *Greek Reader* over every work of the kind before the public. It is not only comparatively the best, but it leaves nothing to be desired; and when the labour and care with which it is prepared for the American public are considered, it will be found to confer on its American editor a claim to public gratitude and respect, not only for his judgment in selecting the work, but for his laborious fidelity and accuracy in preparing it for use in our schools.

GEORGE BANCROFT.

Northampton, Massachusetts, 1824.

Valpy's Greek Grammar.

The Elements of Greek Grammar, with Notes, by R. Valpy, D. D. F. A. S.

"Nequaquam me pœnitet hujus studii, quod per hanc recensionem in *tractatione veterum Grammaticorum* consumsi. Imo tantum eo me adjutum sentio, non modo ad hoc opus, sed ad omnem facultatem linguæ Græcæ, neminem ut arbitrer in *Græcis scriptoribus intelligendis* proficere posse, nisi simili cursu lectionis *præcepta* illorum *collegerit*, et ad optimas rationes *examinaverit*. WOLFIUS, PROLEG. AD HOMER.

FROM THE AUTHOR'S PREFACE.

The great object of the author has been utility. He has endeavoured to explain the meaning of terms, and the causes of constructions, and to enliven the rules by analogical allusions to the other languages; a mode of comparison best calculated to illustrate and familiarize the subject. If his explanations are not always satisfactory, they will at least engage the reflecting mind of an attentive student to investigate the origin, to trace the progress, and to extend his knowledge of the purest and most copious of languages.

FIRST AMERICAN EDITION.

Notice of the Publishers.

From the general dissatisfaction which exists respecting Greek Grammars now in use in this country, and from the repeated solicitations of many of our most respectable instructers, we are induced to publish this Grammar, which has been received with much approbation, and used with great success in England. In this edition some of the deficiencies mentioned in the preceding preface are supplied, and several examples of declension of nouns, a paradigm of contract verbs, a few rules in syntax, a synopsis of parsing, &c. have been added. It is presumed this Grammar will fully obviate the difficulties which have so long been a subject of complaint among teachers.

CUMMINGS & HILLIARD.

Boston, March, 1814.

FIFTH EDITION.

This fifth American, is from the fifth London edition, and comprises the valuable Notes recently added by Dr. VALPY. It is printed with a new and beautiful type, and some errors in the preceding editions have been corrected.

Jacobs' Greek Reader.

The Greek Reader of Frederic Jacobs, Professor of the Gymnasium at Gotha, and Editor of the Anthology. From the seventh German edition; with an English Lexicon. 1 vol. Price $2,25.

At a meeting of the Corporation of Harvard College,

Voted—"That this work be made use of in examining candidates for admission into the University after the year 1826, instead of Græca Minora."

EXTRACT FROM THE PREFACE.

It was one of the objects of the Editor to prepare a work for our schools, better adapted to them, than those now in use. It has been objected with justice to the Collectanea Græca Minora, that it contains too little; and that while, even in its easiest parts, it is not adapted to the purposes of a *first* book, it makes a transition too rapid from the fables of Esop to the obscure text of Tyrtæus. The *Greek Reader*, in the collection of sentences in the first part, arranged according to the rules of the Grammar, is designed to enable the learner to begin immediately to exercise himself, in putting to practice the principles and rules which he has learned in the Grammar. To direct his attention, the word, in which the rule is exemplified in each sentence, is distinguished in the printing.—These sentences, forming the first course, are succeeded by a few fables and a choice of the best anecdotes and apothegms contained in the Greek writers; which will not present undue difficulties to the learner well acquainted with the grammatical exercises that precede them.—The extracts in the department of natural history are from easy authors, and designed, in continuing the progress of the learner in the language, to afford him also amusing and instructive information *****

A chief object of the editor, in preparing this work, has been to furnish an elementary book to our schools, in which the Greek may be learned through the medium of the English. No learner at school or elsewhere can be as well acquainted with the Latin as with his mother tongue. The practice of learning Greek through the medium of Latin, has descended to us from a time when the Latin was a common language among scholars, when lectures at the universities were exclusively given in that tongue, and commentaries on authors and lexicons published in no other. For schools, however, there is no one circumstance to recommend the continuance of this practice, not even that of becoming more familiar with the Latin. The Latin of grammars, commentaries, and lexicons, is not that, which the learner ought to acquire; and while the Latin language should be studied in the purer sources of the ancient writers, the learner of Greek ought not to be embarrassed by having his attention diverted to any thing else; or his perceptions rendered difficult or indistinct by the foreign medium through which they are made, and with which he must of course be less familiar than with his native language. In Germany and France, editions of Latin and Greek authors for the use of schools are furnished with notes in the vernacular tongue; and the best lexicons of the Greek, in those countries, are also respectively in French and German. In this country, the opinion of scholars appears to be decided in the same result, and the Greek and English lexicon on the basis of Schrevelius, already in the press, is expected with anxiety by the friends of Greek studies and of an improved system of conducting them in this country. The quantity of matter contained in this work will be perceived to be considerably greater than in the Collectanea Græca Minora. The editor has been led to give it this extent from the opinion that, in the improving condition of our colleges and schools, more Greek might be advantageously studied in the latter. It was also his wish to meet the desires of several respected instructers, who wished for a substitute for a portion at least of the Greek Testament. The language of the Greek Testament differs so much from that of the heathen writers, that it does not form the best introduction to their study. The familiarity of most learners with the English of the Bible renders the *thorough* study of the original impossible. It may be also doubted whether the trivial use of the sacred volume as a school book, and the practice of repeating the most sublime and affecting parts of the records of our religion, as an exercise in grammar and language, be favourable to the feelings, with which those records ought to be taken in hand. The inexperienced learner must often fall into mistranslations, which, to say the least, are painful to the ear.

With respect to the typographical errors which may be found in this work, the editor hopes for the indulgence of those who have had personal experience in the correction of the press. The place of a professional *corrector*, which is considered indispensable in the respectable printing houses of Europe, is generally unknown in this country. Only the latter portion of this work enjoyed the revision of the gentleman, to whom that important office has been latterly entrusted at the University press.

Collectanea Graeca Minora.

An improved edition of Collectanea Græca Minora, with explanatory Notes collected or written by Andrew Dalzel, A. M. F. R. S. E. Professor of Greek in the University

of Edinburgh. Sixth Cambridge edition, in which the Notes and Lexicon are translated from the Latin into English.

EXTRACT FROM THE PREFACE.

It has long been a complaint, that the Notes of Collectanea Græca Minora, being written in Latin, were not so useful as they might be to beginners, for whose use they were prepared. In this edition therefore the Notes and Lexicon have been translated into English; so that the work may be used without any previous knowledge of the Latin language. In this edition also a few notes have been added, particularly upon the most difficult part—the Extracts from Tyrtæus.

The text also has been diligently compared with the latest and best editions of the works from which the extracts were made, belonging to the Library of Harvard University, and a few new readings have been introduced which throw light on obscure passages. It is hoped, therefore, that those who have heretofore used and approved the work, will be still better satisfied with it, now that it is more free from errors, and more easy and instructive to young students.

Collectanea Græca Majora,

Ad usum Academicæ Juventutis accommodata; cum Notis philologicis, quas partim collegit partim scripsit ANDREAS DALZEL, A. M. &c. Editio quarta Americana, ex Auctoribus correcta, prioribus emendatior, cum Notis aliquot interjectis. Cantabrigiæ, Mass. E prelo Universitatis. Sumptibus Cummings, Hilliard, et Soc. Bibliopolarum, Bostoniæ et Cantabrigiæ, 2 vols. 8vo.

EXTRACTS FROM A REVIEW OF THIS EDITION.

"The best criterion by which to estimate the value of works designed to facilitate the purposes of education, is actual experiment. The present selections from Greek literature have been many years before the public, and have constantly been coming more widely into use. Of the first volume there have appeared in England and Scotland at least eight, we believe nine, several editions, and five or six of the second; and in the United States, we have now the fourth edition of the whole work from the press of the University at Cambridge. A book, to meet with such success, must be well adapted to its end."

"Of all the editions which have thus far appeared in Great Britain or America, we do not hesitate to pronounce this to be the most correct. It exhibits the clearest marks of indefatigable diligence and conscientious accuracy on the part of its learned and unassuming editor. Instead of vague and indiscriminating praise, we will endeavour to explain its peculiar advantages. Our account will be a short one, though the labours which we commemorate extended through years."

"The chief object of the American editor, Professor John S. Popkin of Cambridge, was to make the book a correct one. It had gone through so many editions, and each new one had repeated so many of the errors of the last, and made so many of its own, that both the text and the notes had become very much disfigured. Not only accents and letters were often wanting, but words, and sometimes whole lines were omitted; especially in the notes. In the third American edition, these were in a good degree amended; in the fourth the same purpose has been most assiduously pursued. To do this the original sources of the notes and text were consulted, and these, together with other good editions of the several writers, were diligently compared. Not a few fractures and dislocations were repaired by means of an early edition of the Collectanea. When the sense was found broken and obscure, it appeared on examination that words, lines, and sometimes several lines had been omitted; particularly where a word was repeated at no great distance, the intervening words were sometimes passed over in printing."

"We hope we have said enough to justify our preference of Professor Popkin's edition of the Græca Majora over any other. To give a more distinct idea of what he has accomplished, we venture to affirm, after a close computation which may be relied upon, that of errata in the copy greater and less, he has corrected as many as ten thousand. If after all his care and pains he has made any or left any, they can be easily marked and corrected, as the present edition has been made on stereotyped plates. It was an undertaking of long and toilsome diligence to correct the press and the copy of a work of this kind, collected from so many sources, and referring to so many authorities.

"Not less than five hundred volumes were of necessity consulted."

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ADVERTISEMENT.

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A Treatise concerning Heaven and its wonders, and also concerning Hell: being a relation of things heard and seen. From the Latin of EMANUEL SWEDENBORG.

If knowledge be valuable in proportion to its use, that knowledge which relates to the eternal salvation of men has unequal claims on our attention. The whole duty of the present life is to prepare for that world which we are destined to inhabit, and it is evident that every purpose is best accomplished, when the means are determined by our knowledge of the end. So little is known at the present day respecting the spiritual world, that the subject can be unimportant to none; to those who believe that "there is nothing covered that shall not be revealed, nor hid which shall not be known," the subject cannot be regarded as one respecting which curiosity is impious or investigation hopeless. The light which has already been given in the Gospel, is of itself a pledge that more will be revealed. He who has commenced the work is worthy to complete it. In the Jewish Dispensation a future life was not revealed. Rewards and punishments were consequently temporal. Possession of the promised land, health, and plenty, with peace or successful war, were the rewards of obedience; famine, the sword and pestilence, the punishments of the disobedient. These were the sanctions of the Mosaic law; and they were accommodated to the character of the nation, to which they were communicated.

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The United States Literary Gazette,

Vol. 4th, April 1, 1826.

In an age and in a country so full of honourable enterprise as our own, the public demands and their supplies are seldom far asunder. Sometimes the demand precedes a little, and sometimes it is supplied in anticipation of its existence. These remarks are as true in their application to the literature, and especially to the periodical literature of our country, as to its commerce, manufactures, or internal improvements. And it requires more than ordinary sagacity in the merchant, the manufacturer, the statesman, and the scholar, so to adjust their supplies to the public wants as not to involve partial and temporary evil on the one hand by doing too much for the spirit of their times, nor on the other, to retard the march of general improvement by doing too little.

In the absence of political excitement, and during the present period of profound peace, a large portion of the public mind has been left to seek employment in the pursuits of literature and science. And the public presses in every quarter are now teeming with the results of literary and scientific labour. They, therefore, who would learn accurately the intellectual character and achievements of their country, who would become thoroughly acquainted with the pursuits and developement of national talents, and who would note with precision the progress of improvement, and the changes of public taste and opinions, must derive their knowledge from the more elaborate productions, which are now constantly sent forth in the form of *New Publications*. But so great has been the increase of these throughout our country that it has become ob-

viously impossible even for those who have most leisure and are most favourably situated for the purpose, to know what the press is daily offering them without some systematic effort, by which the attention of a few to the subject may suffice for many. Much less can those who happen to be remote from the principal presses, and are yet interested either in the way of business or amusement in the literary and scientific productions of their country, obtain *prompt* information of their appearance and general character, without recourse to some established channel for intelligence of this kind. Such a channel it is our object to make the United States Literary Gazette. We aim to give a view of all new publications which are offered through the American press, to the reading public of this country; and, as far as it is practicable and our limits will permit, to give a correct impression of their several characters and pretensions. For the attainment of these objects the work is divided into the following departments. I. REVIEWS. II. MISCELLANY. III. ORIGINAL POETRY. IV. CRITICAL NOTICES. V. INTELLIGENCE. VI. NEW PUBLICATIONS.

1. Under the head of REVIEWS, we class those works whose merits or general interest and importance to the public require a more extended analysis than can be given to others of less merit or less general interest.

2. In the department of MISCELLANY, we insert critical and original essays of an entertaining, instructive, or amusing character—short discussions upon topics of public concernment—and communications from intelligent travellers abroad describing public institutions, characters, customs, scenes, and events, which we think will be interesting to American readers.

3. To supply our department of ORIGINAL POETRY, we derive assistance from several gentlemen of acknowledged talents. Many of those, upon whom we most rely, are well known to the public: and their efforts have heretofore achieved honour for themselves, and added richness and value to the literature of their country.

4. Many productions recommend themselves to the public favour, or call for the public reprobation, which the limits of our work will not allow us to review at any considerable length. These we arrange under the head of CRITICAL NOTICES; and aim to give short analyses of their plans and purposes, accompanied with such remarks upon their general character and merits, as we think they deserve.

5. Some pages of every number are devoted to literary and scientific INTELLIGENCE. We have access to all the principal foreign papers and periodical publications; and from them as well as from many other sources, we glean such facts as possess interest and have a practical bearing upon the pursuits of readers in this country.

6. We publish in every number an accurate and full list of the title pages of all NEW PUBLICATIONS, which come from the American press, arranged according to subjects. And when it is practicable we insert also the place where each book is published, the names of the publishers, and the size and price of the work. Among the new publications, we make such remarks as are suggested by the perusal of the works, or so many of them, as come seasonably under our hands. It is doubtful if the mere title pages of ALL the books published in a given country and during a given period of time, would not of themselves afford a better idea of the progress or decline of the moral and intellectual condition of that country, than any thing which could be written in the same space.

In the execution of this plan we shall omit no opportunity in either department, to advance, as far as we have the power to advance, the best interests of EDUCATION; believing as we do that the public morals—the public religion—and the public happiness depend directly and essentially upon the means and efficiency of the public instruction; and that essential changes, both in the appropriation of means and in the methods of instruction, are called for by the progress of intellectual improvement and the spirit of our times.

The United States Literary Gazette is published on the first and fifteenth day of every month by CUMMINGS, HILLIARD, & Co. and HARRISON GRAY, for the Proprietors. Each number contains 40 pages 8vo. of original matter, the whole making two volumes a year of 480 pages each. Every number is stitched in a handsome cover, on which is printed a table of its contents. And at the close of every volume there are published a title page and an index to its principal subjects.

☞ The work will be forwarded by mail or otherwise as directed to any part of the United States, upon the receipt of the annual subscription price $5. All letters relating to the transaction of business are to be directed to HARRISON GRAY, BOSTON. Other communications may be addressed as they have heretofore been to JAMES G. CARTER, BOSTON. *Office of the United States Literary Gazette, No. 74, Washington Street.*

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No. LII.

NEW SERIES, NO. XXVII.

JULY, 1826.

ART. I.—*A General Abridgment and Digest of American Law, with occasional Notes and Comments.* By NATHAN DANE, LL. D. Counsellor at Law. In eight volumes. 8vo. Boston. Cummings, Hilliard, & Co. 1823–4.

THE utility of abridgments, in all departments of learning, will scarcely be doubted by any person, who is accustomed to due reflection on the subject. The vast extent and intricacy of some branches of knowledge, the minute distinctions and details of others, and the perpetual accumulations of all, present obstacles to a thorough mastery of them, which are not easily overcome by the most powerful genius, or the most retentive memory. Those, who are to learn, must be assisted by steps, by general principles, by succinct elucidation, and by compendious abstracts, before they are able to engage in the task of comprehensive analogies; and those, who are themselves instructed, find that memory is often treacherous, and that the constant demand for knowledge compels them to use many helps, in order to facilitate their recurrence to exact principles, or exact facts. The details of a whole science, at least in our day, are probably beyond the immediate grasp of any single mind, however gigantic. Recollections must be constantly refreshed, and the obscure traces of past acquirements carefully retraced, if we aspire to anything like a vigorous command of that department of knowledge, to which we are most devoted.

Dr Priestley, whose various scientific, as well as general knowledge, will scarcely be questioned, has somewhere stated, that he made use of many mechanical aids, in the course of his own studies, some of which might be thought so humble, as to excite a smile, or even a doubt of the abilities of the author. Indeed, the general auxiliary of most students used to be a commonplace book, in which the various readings and accumulations of their learned hours were collected, sometimes with and sometimes without method. In whatever shape these were preserved, they had the good effect of fixing the impressions of many important truths, and of saving many hours of fruitless research to regain what was lost from the memory. Before the invention of printing, this labor must have been very great, among the learned; and it has been gradually lessening, only because the press has, in the principal departments of learning, by means of indexes, digests, compends, concordances, dictionaries, and other abridgments, supplied their place, and brought within a reasonable compass, the mass of those references, which are most useful to the scholar, the professional gentleman, and the scientific student. It is true, therefore, what of old was said, *Qui compendianam alicujus artis sive scientiæ viam indicat, is gemino beneficio juvat studiosum; primum, ut maturius quo tendit pertingat, deinde ut minori labore sumptuque quod sequitur assequatur.*

But whatever may be thought of other cases, it is certain, that in the department of law, abridgments are indispensable. Before Reports of adjudged cases were published, no other adequate means existed of acquiring the science of jurisprudence, than what were furnished by a faithful attendance upon the courts, and a diligent collection of the substance of their decisions. The early professors of the common law were compelled to resort to commonplace books, and personal reports of cases, falling under their own observation. Many manuscripts of this description are still extant, exhibiting a patient industry, care, and accuracy, worthy of all praise. The labor indeed of these venerable jurists, almost transcends the belief of students of the present day. They noted every case, in all its points and principles; they abstracted, from records, and general treatises, and private manuscripts, often obscure and crabbed, everything that could be found to aid them in study or in practice. They gathered voluminous collections of special pleadings, and unusual writs and judgments, to suit the exigencies of their

possible avocations, and thought no labor too great, which brought any solid addition to their knowledge, or any increased facilities to their clients.

The necessity was the more pressing in those days, from the subtleties, and quibbles, and scholastic logic, which characterized every department of learning. The law then dealt with forms, even more than with substances. The slightest variance from the *Registrum Brevium*, the neglect of any precise technical order, the most insignificant error in words, the smallest mistake in the description of persons or things, nay, the omission of a single letter was perilous, and brought in its train an abatement of the suit, and sometimes, by consequence, an extinction of the remedy. The strictness observed in England, in the present times, to discourage the use of the Writ of Right, affords some feeble illustration of this misplaced ingenuity, in hunting up and sustaining objections. The curious refinements, the nice distinctions, the quaint conceits, the arbitrary formularies, and the stiff, unbending roughness of the bar and bench in those days, made everything important, from the first rudiment of principle, to the last ramification of practice. There were no public repositories, in which principles or practices could be ascertained by a glance of the eye. They were to be learned from the oral explanations of the ancient sages of the law, or the conversational debates of the judges, or the close lecture rooms of the benchers, or the dry expositions of the titular readers of the Inns of Court.

When Reports began to be published, the labor was not materially diminished. The decisions were not uniformly reported at stated times; and many cases were not reported at all. The early reports contain no indexes. The Year Books have not a single line, to direct the student to their contents, and leave their bulky and abbreviated text without title or comment, so mixed up in one common mass, that it requires no small share of historical knowledge to ascertain, who, at any given period, speak as judges or as counsel. When tables of contents came subsequently into fashion, they were so incomplete and incorrect, that they were comparatively of little assistance. Ashe's Repertory, or Table to the Year Books, large as it seems in two ponderous folios, does nothing more, than put one upon inquiry, and condescends not to select a single proposition asserted by the cases. Indeed the original indexes to the old reporters are almost useless, and, in some instances, serve only the bad

purpose of misleading the inquirer, by holding out hopes, which vanish when he touches the adjudication.

The practice of keeping commonplace books, which was thus begun from absolute necessity by the old lawyers, was afterwards continued from a sense of its convenience. Nor was it generally discontinued by the profession until a late period; and it is not perhaps without some examples, even in the present age. In America, the anterevolutionary lawyers were in the habit of compiling manuscript abridgments for their private use, some of which have reached our times. They also left behind them many notes of adjudications, which are yet to be found in the hands of the curious and the learned. And probably, in most of the states, the practice of preserving short notes of new cases, was common among the leaders at the bar, until the legislature provided for the regular publication of Reports.

It is to sources like those already adverted to, that we owe the early, and perhaps all the abridgments hitherto made of the common law. What was introduced originally from the mere scantiness of public materials, in process of time obtained a continued favor from the unwieldy bulk of adjudications. Lord Coke poured the contents of his commonplace book into his Commentary upon Littleton, and his superabundant Reports. Plowden may well be suspected of the same overlearned zeal; and Lord Hale has attested his own unwearied diligence and antiquarian researches, by manuscript collections, which yet surprise us by their variety and comprehensiveness.

The earliest printed Abridgment of the law is that of Statham (Nicholas), who was appointed a baron of the exchequer in the eighth year of the reign of Edward the Fourth (1468). It is a very curious book, printed, as it would seem, before titlepages were in use, for it is without any titlepage, or imprint, or date; and the only notice we have of the printer, is the following brief and modest remark, at the end of a short table of contents; 'Per me R. Pynson.' It has been conjectured from the type, that it was printed at Rouen, by William Le Tailleur, who printed Littleton's Tenures for Pynson. The latter was bred in the service of Caxton, the first printer with metal types in England, and he succeeded his master in the business. Statham's Abridgment was published between the years 1470 and 1490, and is a remarkable specimen of the typography of the age. It shows, that there has been little substantial improvement in the art, during the three last centuries. The art appears indeed to

have reached perfection within the first half century after its invention. The copy now before us seems to have formerly belonged to Sir Heneage Finch, afterwards the celebrated Earl of Nottingham. The paper is of a very firm, silky texture, forming a strong contrast to the sleazy linen and cotton of our day; the ink is of a bright jetty and unfaded black; the type, though small and partly composed of abbreviated characters, has a sharp and distinct face; and the mechanical execution is so exact, that scarcely a letter exhibits a blur, and the surface of every page presents a uniform appearance, putting to shame many of the standard volumes of our times. The work itself contains, under appropriate heads, brief abstracts of the cases in the Year Books, to the end of the reign of Henry the Sixth, as well as some cases not elsewhere to be found. It has now very little value, except occasionally to verify a quotation, or to gratify the curiosity of a professed antiquary.

The next Abridgment, in the order of time, is that of Sir Anthony Fitzherbert, first printed by Pynson about 1516, and afterwards reprinted in 1565 and 1577. The edition of 1565 is far the best, for size of type and general accuracy. Besides many cases not reported at large, it contains an abstract of all the cases in the Year Books, down to the twentyfirst year of the reign of Henry the Seventh. It has always been deemed of very high authority, where the author states cases solely on his own responsibility. The marginal titles and numbers, in the common editions of the Year Books, refer to the titles and numbers of this Abridgment. The learned author died in 1538, leaving behind him the reputation of a very laborious and upright judge.

At the distance of half a century afterwards, followed the Abridgment of Sir Robert Brooke, of which there have been several reprints; but the best is that on royal paper by Tottell, in 1573. It contains the substance of Fitzherbert, together with a collection of the later authorities, some of which are nowhere else extant.

The character of the Abridgments of Fitzherbert and Brooke, may be summed up in a few words. They are mere indexes, under general heads, of the principal adjudged cases up to their own times, in which the points are accurately stated, but without any attention to order, or any attempt at classification. As repositories of the old law, they now maintain a very considerable value, and may be consulted with advantage. Whoever

examines them (for a thorough perusal of them will be a mere waste of time), will probably feel inclined, when he can, to ascend to the original sources; but if these should not be within his reach, he may rely with confidence, that these learned judges have not indulged themselves in a careless transcription, or a loose statement of the law. In our own practice we have frequently found them the safest guides to the old law, and particularly to the contents of the Year Books. At the times, when these Abridgments were originally published, they must have been very acceptable presents to the profession; but many of the titles are now obsolete; and the works lie on the dusty shelves of our libraries, rarely disturbed, except upon some extraordinary inquiry, touching the feudal tenures, or the doctrine of *seizin*. The modest motto prefixed to both of them deserves to be remembered;—*Ne moy reproves sauns cause, car mon entent est de bon amour.*

We pass over, without observation, Hughes's Abridgment, printed in 1660, because it embraces but a short period, and is a mere supplement to the earlier works; and also Sheppard's Abridgment, printed in 1675, because, though not disreputable in its execution, it scarcely struggled into existence against the superior work of Lord Chief Justice Rolle, which was published under the auspices of Sir Matthew Hale, in 1668. Lord Hale contributed to it a very able and learned preface, in which he bestows just commendation on its execution; and of the author he says, 'He was a man of very great natural abilities, of a ready and clear understanding, strong memory, sound, deliberate, and steady judgment; of a fixed attention of mind to all business, that came before him; of great freedom from passions and perturbations, of great temperance and moderation, of a strong and healthy constitution of body, which rendered him fit for study and business, and indefatigable in it.' The Abridgment itself is a posthumous work, intended by the author for his own private use, and not for the public; and Lord Hale says, 'though it is of excellent use and worth, yet it comes far short of the worth and abilities of him that compiled it, and therefore is an unequal monument of him.' The chief advantage, that it possesses over the earlier compilations, is in a more scientific arrangement of the materials, and a greater subdivision of the general heads, so as to bring together matters of the same nature or relative to the same branch, instead of heaping them up into one undistinguishing mass. Mr Hargrave,

in his edition of Coke on Littleton (note 1 to page 9), speaks of it, as a 'work most excellent in its kind; and in point of method, succinctness, legal precision, and many other respects, fit to be proposed as an example for other Abridgments of Law.' In practice, however, it has been, in a great measure, superseded by the later works, and is resorted to, principally, to verify quotations, when the original authorities are not to be found reported at large, or when Lord Rolle has stated circumstances, which are omitted by other authors.

D'Anvers's Abridgment, printed early in the eighteenth century, which, Mr Viner informs us, was thirtytwo years in passing through the press,* is a mere translation of Rolle, with the addition of more modern cases, and is incomplete, extending only to the title 'Extinguishment.' Nelson's is chiefly borrowed from Hughes, and though the author was a very harsh and unsparing critic on the labors of others, his own have a general character of incorrectness stamped upon them, and have fallen into utter neglect.

Bacon's Abridgment, so well known to the profession, was first published in 1736, and has passed through six large editions. The contents of the work owe very little to the nominal author, (Matthew Bacon, Esquire, of the Middle Temple,) and were chiefly extracted from the manuscript collections of Lord Chief Baron Gilbert. Mr Gwillim has well observed, 'that it was the hard fate of his excellent writings to lose their author, before they had received his last corrections and improvements, and in that unfinished state to be thrust into the world without even the common care of an ordinary editor. Those invaluable tracts were, for the most part, published, not only with their original imperfections, without any attempt to supply their defects, or explain or correct what seemed in them perplexed or erroneous, but with all the improprieties and inaccuracies, which the ignorance and neglect of the amanuenses, whom the author's infirmities compelled him to employ, could accumulate upon them.' Mr Bacon deserves very little credit, in any view, because he seems so have been willing to appropriate to himself the labors of another, without due acknowledgment, and to have employed no diligence in correcting errors, and no learning in supplying deficiencies. He died before the work was completed; and the remainder, from the title 'Sheriff,' was furnished by Mr Sergeant Sayer and Mr Ruffhead.

* Preface to the eighteenth volume of his Abridgment.

Of this collection, which has been almost for a century before the public, it seems scarcely necessary, at the present time, to express any opinion. It consists of a series of tracts, or dissertations upon various topics of the law, generally illustrated by adjudications, and though incomplete, exhibiting a rare union of sagacity and industry. As a text book for students, it has long maintained an unrivalled reputation; and as the expositions of a very able and learned judge upon a large survey of the law, dealing with its history and its reasons, it must forever hold a high rank among the treasures of the profession. Mr Gwillim's edition is far the best, which has appeared in England, and is entitled to much praise for the manner in which the duties of the editor have been performed. This edition has been republished in America, under the superintendance of Bird Wilson, Esquire, who has enriched it with many valuable additions. Still it must be admitted, that there is great awkwardness and inconvenience in ingrafting such an abundance of marginal notes upon the original text, threatening, in every new edition, to overlay, if they do not bury it beneath their weight.

Mr Viner's Abridgment was published between the years 1741 and 1751, and extending as it does over the space of twentyfour folio volumes, may be thought by some not to have a very apt title. The learned author passed a whole life in compiling the work, and superintending the printing of it, which, by the consent of the Law patentees, was done at his own house, in Aldershot in Hampshire. The basis of the work is Rolle's Abridgment, with the addition of all the materials, which had accumulated in the intermediate period. In the preface, (which appears in the thirteenth volume,* occasioned by the author's having begun with the title 'Factor,' where D'Anvers ended his Abridgment,) he states, that he commenced the undertaking with the eighteenth century, and it was, of course, for nearly fifty years under his revising hand. Mr Hargrave (Co. Litt. 9. a. note 3.) calls it an immense body of law and equity, which, notwithstanding all its defects and inaccuracies, must be allowed to be a necessary part of every lawyer's library. He adds, that it is a most useful compilation, and would have been infinitely more so, if the author had been less singular and more nice in his arrangement and method, and more studious in avoiding repetitions. This praise, qualified as it is, seems

* There is a second preface in the eighteenth volume.

to us rather to go beyond, than to fall short of the real merits of the work. It is a cumbrous compilation, by no means accurate or complete in its citations, and difficult to use, from the irregularity with which the matter is distributed, and from the inadequacy, and sometimes the inaptness of the subdivisions. Indeed everything appears to have been thrown into it, without any successful attempt at method or exactness.

Almost everything valuable in the older Abridgments is indeed to be found in it; but sometimes so ill arranged, that the search is almost as troublesome, as it would be to run over the whole title in Fitzherbert or Brooke. The author has observed, in the preface to his thirteenth volume, that 'the study of the law is a very long journey, and the roads not the plainest; in which they [Abridgments] may serve as posts and Mercuries to direct the students in their way, but ought not by any means to be considered as their journey's end, or place of their last resort and residence.' What a pity, that the author had not more diligently followed the directions, which he seems to approve by the above allusion. He has, by no means, made the roads very plain or smooth; and the sign posts, which he has put up, do not always indicate either the truest way or the shortest distance to the striking point of the traveller's journey. Nor has he the satisfactory apology, *dum brevis esse laboro, obscurus fio;* for his work is both long and confused. It may, and indeed ought, to constitute a part of every law library, which aims to be tolerably complete; for it embraces the body of the law, antecedent to the reign of George the Third. Its principal merit is its extent; and though in some parts it is redundant, in others defective, and in all irregular, it is a vast Index of the law, which time and patience can master; and it often rewards the labor, when all other resources have failed the diligent searcher for authorities.

It is impossible, however, not to feel, that we owe to this work a deep debt of gratitude, which should disarm criticism, and almost extinguish every recollection of its infirmities. To the establishment of the Vinerian Professorship, at Oxford University, we are indebted for one of the most elegant and classical works in our language, 'The Commentaries on the Law of England,' by Sir William Blackstone. From a zeal for the study of the law, for 'the benefit of posterity, and the perpetual service of his country,' Mr Viner devoted his property, and the proceeds of the sale of his great Abridgment to the noble pur-

pose of founding a Professorship of the Common Law; and we are informed, that the fund proved sufficiently productive to enable the University, also, to establish some fellowships and scholarships for the study of the law there.*

A work of a very different character, and almost perfect in its kind, is the Digest of Lord Chief Baron Comyns. Though a posthumous publication, it has been justly observed, that unlike most publications of that nature, it was left by its learned author, in a state very fit to meet the eye of the public. Lord Chief Baron Comyns died sometime between the years 1740 and 1743; the exact period Mr Rose, his late editor, does not seem to have been able to ascertain. It is a melancholy fact, that very few particulars of the lives even of the most eminent lawyers reach posterity. Great as their fame may be, and extensive as may be their professional labors while living, they rarely leave a permanent impression upon the public mind; and after the lapse of a few years, the most diligent search enables us to collect little more than the facts of their birth, death, and parentage. This distinguished judge is a very striking illustration of the remark. It was said by the late Lord Kenyon, that 'Comyns's opinion alone is of great authority, since he was considered by his contemporaries as the most able lawyer in Westminster Hall.' (3 T. R. 64.) There is no reason to doubt the truth of this assertion; and yet of such a man nothing more can now be gathered, than a few short dates of his appointment to public stations. Mr Rose says, 'it was the editor's wish, for the purpose of gratifying a laudable curiosity in respect to so eminent a man, to have stated some particulars of the life of Sir John Comyns; but after several inquiries, the following dates are all he has been able to collect.' He then introduces the dates of his appointment as a Baron of the Exchequer, and a Judge of the Common Pleas.

Of the plan of his incomparable Digest, it is difficult to speak in terms, which will do it justice, without seeming to be extravagant. Mr Hargrave (Co. Litt. 17. note 96.) says, 'the whole of Lord Chief Baron Comyns's work is equally remarkable for its great variety of matter, its compendious and accurate expression, and the excellence of its methodical distribution.' Our own opinion is, that for the purpose it proposes to accomplish, no plan could be more judicious, and no execution more

* 1 Bl. Comm. 28.

singularly successful. It does not, like Bacon's Abridgment, affect to enter into disquisitions upon the various doctrines of the law, or to explain the reasons on which it is built. But, as the preface to the first edition states, 'the general plan of this Digest is, that the author lays down principles or positions of law, and illustrates them by instances, which he supports by authorities; and these are trenched out and divided into consequential positions or points of doctrine, illustrated and supported in the same manner. By this means, each head or title exhibits a progressive argument upon the subject, and one paragraph &c. follows another in a natural and successful order, till the subject is exhausted.' It is a curious fact, that the original text was composed in Law French, which, it is conjectured, the author chose on account of its apt expression and singular brevity.

The editors of the first edition translated the whole work into English, which was, of itself, a prodigious undertaking, and they declare, that 'the translation of the book has been carefully compared with, and corrected by the original, and, with very great labor, *has also been compared with and corrected by the several books cited.*' Who the gentlemen were, to whose patient industry and accuracy we are indebted for the publication of so choice a work, we have never been able to ascertain. They have modestly withdrawn their names from the titlepage and preface, leaving the latter to speak the extent and credit of their labors. We regret this concealment, for never did a posthumous work fall into more able hands, and never was the duty of an editor more faithfully discharged. It is this consideration, which gives to the original edition so very distinguished a value, even in our days. It was published between the years 1762 and 1767, in five folio volumes, on excellent paper, with a large type, and it stands unrivalled for the accuracy and beauty with which it came from the press. In 1776, a supplemental folio volume was added, containing a digest of the recent cases, upon the same plan as the original work.

Of the later editions, in octavo, we can say little by way of commendation. They have the gross fault of a total departure from the style, brevity, accuracy, and simplicity of Comyns, a departure, which is utterly without apology, as it exhibits, on the part of the editor, either an incapacity for the task, or an indifference to the manner of executing it. If, indeed, other authors have suffered from the posthumous publication of their unfinished works, it has been the hard fate of Comyns to have

the symmetry and excellence of his work essentially impaired by the unmerciful interpolations of his later editors. Without any regard to the dependencies of the original text, or the sequence of principles and illustrations, they have thrust in between the different paragraphs, their new matter in a crude state, and often so little sifted, that it is a mere copy of the marginal abstracts of the later Reports. The consequence is, that passages, which are connected in sense in the original text, are often separated by these misshapen adjuncts; and, sometimes, a half page is to be run over by the reader, before he can gather up the *disjecta membra*, the scattered fragments, of the author.

In the art of bookmaking, there is scarcely anything more reprehensible, than this practice, by which an author, singularly clear, exact, and methodical, is presented in the habiliments of a slovenly commonplace man. The only rational course to be pursued, in any new edition of Comyns, would be to leave the text untouched, with all the authority belonging to it from the author's venerable character, and by supplementary volumes, drawn up in the same method, to add the new matter, which has accumulated from the litigation of later times. The good example of the editors of the Supplement, in 1776, seems, however, to have suited ill with the notions of our age; and from the rage for innovation, or from the pitiful prevalence of a bookselling interest, every successive edition, instead of being of a higher value, has constantly diminished the real utility of the work. Mr Kyd's edition has the negative merit of having done but little injury; Mr Rose's, in 1800, has interwoven a miserable patchwork; and Mr Hammond's, in 1824, has even less merit, containing the substance of his indexes to the Common Law and Chancery Reports, thrown together with a strange neglect of the symmetry of the original work. Indeed, this last edition deserves the severe rebuke of the profession, as its main object seems to be to swell the work to ten ponderous volumes. If the new matter had been properly abridged, and reduced to simple principles and brief illustrations, in the manner of Comyns, it might easily have been compressed into two supplementary volumes. But the last supplement equals the original in size, and wants every excellence that characterizes it.

We hope to live long enough to see Comyns rescued from the hands of such editors, and restored to his just value, by an edition worthy of his labors. We are confident, that the task of collecting and digesting the modern matter, however operose it

may seem, is within the power of any one learned and diligent lawyer, and that its accomplishment would receive an ample reward from the profession. Such an achievement would lay the foundation of a most honorable fame. As the case now is, he is the most fortunate jurist, who possesses the earliest edition of the work. We have been more emphatic in our remarks on this subject, because we perceive an increasing propensity, in our own country, to load and overload new editions of professional works with notes of little intrinsic value, or at least with notes, whose value is materially diminished by the loose and unskilful manner in which they are introduced. There are, however, some exceptions to this remark, and none are entitled to more praise, than the learned comments of Mr Metcalf.

But we hasten from this digression to resume the subject to which the work, named at the head of this article, immediately conducts us. Upon the appearance of a new Abridgment of the Law, the question naturally occurs, whether it be necessary, and if necessary, what is the best plan, with a view to comprehensiveness and convenience, on which it can be formed?

In respect to England, there may perhaps be some doubt whether such a work would be of any extensive utility. A continuation of Comyns's Digest seems all that is necessary for lawyers of advanced standing; and Bacon's Abridgment, however imperfect, is perhaps sufficient, with Blackstone's Commentaries and Cruise's Digest, as a general outline for students. Indeed most of the branches of law, of great practical importance, have, in modern times, been discussed in independent treatises with much ability, and sometimes in so masterly a manner, as to exhaust the subject. What could be added to Fearne's Essay on Contingent Remainders and Executory Devises? But we think the subject admits of a very different consideration, in relation to America. The learned author of the 'General Abridgment and Digest of American Law,' has stated the reasoning in favor of it, with so much force and correctness, that we transcribe his remarks in the Introduction to his work, rather than hazard our own.

'At the close of the American revolutionary war, when the United States became an independent nation, it was very material to inquire and to know what was law in them, collectively and individually; also to examine, trace, and ascertain what were the political principles, on which their system was founded; and their *moral* character, so essential to be attended to in the support

and administration of this system; especially in selecting from the English laws in force in a monarchy once feudal, those parts of them adopted here, and remaining in force in our republic. With such impressions, the author early turned his attention to these subjects, and in good earnest engaged in collecting materials upon them; and the more readily, as such a pursuit perfectly accorded with his professional and political employments, in which he engaged in the spring of 1782. He early found there was, in the United States, nothing like *one collected body of American law, or one collected system of American politics;* but all was found in scattered fragments. Scarcely any native American law was in print, but the colony statutes, charters, and some of the constitutions. No judicial decisions made in America, of any importance, had been published, and but very few forms. The law, enacted here, was found separately published in many states, in colony, province, and state statutes. Our law labored under another material disadvantage; most of it was found only in English books; these were written and published to be used in England, not in America; a large part of which was of no real use here.

'No measures had ever been taken to ascertain, with any accuracy, what part of English law our ancestors had adopted in the colonies or provinces. The result was, our ablest lawyers were often unable to decide what parts of the English laws were in use here; and our students at law often studied as laboriously the useless, as the useful parts of those laws. No one had attempted to embody our laws or political principles, dispersed in numerous local charters, constitutions, statutes, and also English books; many of which laws and principles were to be traced to the free parts of the British system, and even to the ancient Germans, in several cases, and in some to the Hebrews, several of whose laws some of our ancestors early adopted in America.

'In this state of things, a very important object naturally presented itself to one, who, for several years, had been in a situation highly to appreciate American principles, especially those of the American revolution; which was, a *collected body of American law*, formed with a constant reference to those principles, and to our character and situation. Forty years ago, the materials for such a work were but few, in comparison with what they now are; and then it was very useful, and even necessary, to collect them for the lawyer's private use; and to such purpose was the undertaking commenced and pursued many years. The title, "A General Abridgment and Digest of American Law, with occasional Notes and Comments," is intended to give a clear and concise view of the nature of the work. Formerly the word

Digest, in law books, meant much more than an alphabetical arrangement of marginal notes, or of several indexes. But as this seems to be nearly its modern meaning, it applies but to an inconsiderable part of this work, the principal parts of which are described by the other words in the title, to wit, "Abridgment, Notes, and Comments." The first object has been to abridge and compress cases within narrow limits, but not so as to lose or obscure the law, decided or settled in them. Next, on proper occasions, by remarks, notes, and comments, to examine and explain a few obscure points of law, and sometimes to show the law is not, as it has been in some decisions stated to be.

The work is calculated to consist of eight royal octavo volumes, of about seven hundred pages each, to be purely American, and among other things, to supply the place generally of the English Abridgments and Digests now read, especially by students, very disadvantageously, because, in many respects, inapplicable to our practice. As every lawyer of experience must have found a common life too short, to be well read in the immense mass of law and equity, federal, state, and territorial, really applicable to our affairs, it must be, in some degree, a waste of time, especially for students and some others, to spend a large part of their time in reading English law as to tithes, forest, game prerogatives, ancient demesne, advowsons, boroughs, English copyhold estates, many parts of feudal tenures, most kinds of English courts and customs, modes of punishments and forfeitures, as to English religion, privileges, revenue, stamps, modes of conveying and assuring property, and a vast many other matters peculiar to England. In fact, near half the English and Irish law we buy at a heavy expense, and read often to the exclusion of reading our own laws, so useful, is as inapplicable to our concerns as the laws of Germany or Spain; and more so than the civil code of France, since it is adopted in substance, by Louisiana, one of our states.' Introd. pp. 3—5.

Now we entirely agree with the author in his conclusion, that an American Abridgment is indispensable both for lawyers and students, at the present day. We can hardly conceive of anything more preposterous, than to ingraft on such a work those titles of the English law, which have nothing correspondent with them in our country, to which they can be applied. It is true, that decisions in those branches of English law may sometimes furnish an illustration of a doubtful point, or an analogy to direct our researches, but these occasions must be of rare occurrence; and the same inducements might be as well urged in favor of the incorporation of the law of other foreign

countries. Abridgments can embrace only those portions of law, which are of most frequent and general use. English sources will always be open to the curious, who desire to explore the more obscure doctrines; and the practising lawyer must, in extraordinary cases, task his diligence to master what is unknown, and to bring to light what is buried in dark and remote antiquity.

In regard to the plan most proper for an American Abridgment, various opinions will probably be entertained by the profession. It is not, indeed, easy to say what plan would, abstractedly speaking, be best. Much must depend upon the extent and object of the work; and even here is sufficient room for diversity of judgment, without in the slightest degree indulging in dogmatism. Whoever selects, must omit something; and what is proper to be omitted, and what to be retained, is, of course, a matter for the exercise of much delicate discretion. If the object of the author be to present to the learned in the profession a mere dry abstract of principles, with cases to illustrate them, a more perfect model than Comyns's Digest can scarcely be devised; and an order, if not strictly alphabetical, at least nearly approaching to it, will be naturally resorted to. If, on the other hand, he wishes to expound the reasons of the law, or to comment on cases with a view to try their accuracy, and to deal with all parts of the same general subject, in the mode of dissertation, he will bring together all the incidental topics; and then, of course, to some extent, he must desert an alphabetical arrangement. Again, if his object be to present matter of direct and positive authority, only to assist experienced advocates in their consultations, he may spare many explanations, which are indispensable for students. If, on the other hand, his main object be to instruct students, and give collateral aids to the profession at large, he will begin with the easier branches of the law, and gradually open upon those, which require more thought, sagacity, and experience, He will, for instance, begin with the law of contracts, rather than with the intricate distinctions of real estates. He will initiate the student in matters of general observation and practice, before he deals with the more recondite portions of jurisprudence. He will embody, in some degree, the general principles with the remedies which accompany a violation of them; so that the student may perceive, that he is to practise at the very outset, whatever he is taught.

It is manifest, that under such circumstances, the whole plan and method of a work must essentially deviate from an alphabetical order; and that materials must often be separated, where, upon another plan, they would be joined, and joined where they would otherwise stand at great distances. The only rule, then, that can be laid down in cases of this nature, is to judge of the work from the design of the author, or, as Pope expresses it,

> In every work regard the writer's end,
> Since none can compass more than they intend.

Mr Dane, in his Introduction, has given, very much at large, the plan and objects of his work. Its objects may be summarily stated to be, to frame an Abridgment 'to be useful to American lawyers, especially to students, and those of the profession, who cannot possess many books;' 'to make our American charters and constitutions, statutes and adjudged cases, the groundwork of each subject, and therewith to incorporate that portion of the English law, recognised in the United States, beginning with Magna Charta, and the first charters and statutes in our colonies;' 'to examine such cases, as are binding on all parts of the Union, and to cite some of the most important *verbatim*, and abridge the others;' to include as much of the local law of the different states as is practicable; and to incorporate manuscript reports of adjudications, not in print.

Thus far as to the objects of the work. It appears to us, that these objects are sufficiently comprehensive, and that the principle of selection, which pervades the whole, is highly creditable to the judgment of the learned author. In regard to one point only, will there probably be much difference of opinion with the profession; and that is, whether local law ought to find a place in the work; and if it ought, how far the selection of the local law of Massachusetts, as a basis, is judicious. On this point let Mr Dane speak for himself, and we think no one will deny, that his suggestions are of very great weight. In enumerating the objects of the work, he says, one is

'To examine the charters, constitutions, and statutes of the several colonies and states, of a public nature, and the judicial decisions made in the highest courts in them, and published, so far as to acquire correct ideas of such state law; but so voluminous is it, and so much of it merely local, in small portions of the nation, that it has been deemed not practicable or useful to include large portions of it in this work, except in regard to a few

of the states; and it has been considered, that the judges and lawyers of any state best understand its local laws; and it will be found, that the courts in one state have not often noticed the laws and decisions in other states.

'This being the case in regard to state law, it was found best to select the state law of some one state, to be included much at large in this work. Accordingly, the laws of Massachusetts, in substance including Maine, have been selected for the purpose, and for the following reasons. First, These laws are in fact the laws of two large states. Secondly, With these the author has long been well acquainted. Thirdly, As the other New England states were at first peopled from Massachusetts, her laws were the root of theirs. Fourthly, Her laws as to the rights of persons, property, &c. were made the root or germ of nearly all our territorial law east of the Mississippi, by being made the material parts of the ordinance of Congress, passed July thirteenth, 1787, for the government of the United States territories northwest of the Ohio, and from time to time extended to their other territories, as will appear on examining the ordinance itself. Fifthly, Much the largest part of the judicial decisions made in Massachusetts (and Maine), have been made on those principles of law, which are common to all the states, except Louisiana. Sixthly, Many of the statutes of Massachusetts having been copied or formed in substance from English statutes; and many others of our colonies and states having done the same, her statutes in these respects are substantially theirs; for instance, Massachusetts, Virginia, &c. nearly copied their statutes of limitations from the statutes of limitations of the 32d Henry VIII. ch. 2. and hence, so far, the statutes of one are those of all.

'However, there is embraced in this work much of the local law of the other states in the Union in different ways, especially of New York, Virginia, and Kentucky. The state of Louisiana having, by statute, adopted the new French civil code, with some variations, and made it of course a part of our American system, many parts of this code have been taken into this work. In fact, on a careful examination, it will be found, that more than four fifths of the decisions made in Massachusetts, New York, and Virginia, stated in this work, have been made on principles and authorities common to twentythree states, and so practised on in all. Though in the statutes of the several states there is a sameness in principle, yet there is a vast variety in words and detail, when not formed from one source, as above; but not a tenth part of the law in a state is found in its statute books; owing to this variety, the statutes of each state must be used somewhat at large, in order to practise on them safely.' pp. 5, 6.

We would refer the reader to the fourteenth page of the introduction, for a more full exposition of the author's reasons, for not inserting, in his work, more of the local law of the several states. These reasons are certainly not without considerable weight. Besides, such an enlargement of the plan of the work would have occasioned an increase of its cost, without conferring an equal value upon the work; for it can hardly be supposed, that the profession, generally, would find much local law of so many states useful to them.

We are next to consider the plan of the work. And here again we quote the words of the author.

'It has been a part of the plan, in considering each subject of importance, first to give a general view of it, under the terms, *general principles*, illustrated, usually, by rules and cases; then to enter on particulars on the same subject; believing, that in this way, the parts of a subject are best understood, and their analogies perceived, especially by students. Having treated a subject or an important case in its parts, it has been found useful, if not necessary, to make in some cases some remarks, comments, or notes, to explain, not only for the benefit of those who most need explanation, but to caution against admitting judicial decisions as authorities, where the remote principle, on which they are made, is not admitted.

'It has been another object, to treat a party's right and remedy in connexion; as, in the same chapter or article in numerous cases and wherever his right and title to property, to things in action, to damages or redress, are investigated by his counsel, with an immediate view to the suit or remedy. Hence much of the law relating to such rights and titles is found under the proper action; as account, assumpsit, case, covenant, debt, ejectment, &c; and when such titles and rights have been of a nature to come under one or another kind of action, the prevailing fitness has been most regarded. The reasons for adopting this course being many, they can be seen but by the work itself.

'Original authorities have always been preferred, principally relied on and resorted to. Digests and abridgments have been relied on only when found correct, or when deemed to be so, by reason of their agreement with known and settled law in other cases; but Cruise, Comyns, Bacon, and other digests and abridgments, have been extensively cited or referred to in the margin, &c. as directing to many good authorities, and as corroborative. Not much reliance has been had on *nisi prius* cases; nor much on divided opinions.

'It has been a rule to abridge, considerably at length, certain

leading cases; as Gelston and Hoyt, Bent and Baker, Freeman and Pasley, Liter and Green, &c. because it has been considered, that it is of vast importance, that such cases be correctly understood; to be so, the facts, the points, and decisions must be correctly stated; other cases will appear to be so stated, when not so in fact, because it has been a rule not to divide a case so often as is usually done; for instance, Gelston and Hoyt; this case is best understood when the twenty or more material points decided in it are examined together; not when, by an abridger, scattered under twenty or more different heads.

'It has been another object to form a general Abridgment and Digest of American Law, calculated to afford a general knowledge of it, and to lead to a more diligent study of it; hence the parts of it are arranged to be studied critically, in connexion with the authorities referred to, as each one may have time and abilities, and most occasion for one division after another; and so to form it to receive additions, without materially disturbing the order of it. For to make such a work permanently useful, law must be added, as it shall come into existence, and the plan be so formed, as conveniently to receive it. And it is proper, that such a work have in it a material portion of American law on every subject, on which questions in law or equity may arise.

'It may be understood, that as Massachusetts statutes, state and colonial, and judicial decisions, occupy their several places in different parts of the work, in relation to Federal law, a lawyer in any other state may, if he choose, substitute the statutes and such decisions of his own state in the stead and places of those of Massachusetts, when he shall use this work. By Federal law is meant the Federal constitution, acts of the Federal legislature, and of the Federal executive, and judicial decisions thereon; and in a broader sense is meant by Federal law, any law that pervades the whole Federal territory, whether of English or American origin.' Introd. pp. 7, 8.

Now it seems to us, that with reference to the leading objects of the work, nothing could be more judicious, than to give a view of the general principles of each branch of the law, and to illustrate them with cases, and then to proceed to the more minute and subordinate particulars. The remarks and comments, which accompany the leading doctrines and cases, cannot fail to be useful to all the profession, for they are the result of a half century's steady devotion to the law, by one whose diligence has never been weary, whose caution has been disciplined by very patient investigations, and whose learning has been matured by very extensive studies.

The plan has several peculiarities; but the principal distinction between this and other abridgments is, that in many instances it treats the rights and remedies of parties in the same connexion, and consequently introduces, in no inconsiderable degree, in the discussions of remedies, the most important rules of property. In this respect it pursues a method, not unlike that of Mr Espinasse in his valuable Digest of the Law of Actions at Nisi Prius.

That there are many advantages in this system of arrangement, especially for students, will be denied by few; that it has some disadvantages ought not to be concealed. One advantage is, that it keeps up in the student's mind a close affinity between the right and remedy, and compels him to make a practical application of his knowledge as he advances in his studies. On the other hand, one disadvantage is, that it sometimes separates into distinct heads, matters of the same nature, which require different remedies in different stages of title, and leads to extensive researches into collateral questions, which do not strictly touch the remedy. Whichever way we look, there is some ground on which the advocates of different systems may rest plausible arguments. The system, however, adopted by Mr Dane, is not a rash innovation; and, in our judgment, has much in it entitled to commendation. If it does not unite the whole profession in its favour, it will always count among its advocates many enlightened jurists. The principal disadvantage, in a practical view, to which this method of arranging subjects is liable, is, that it is not of so easy reference in the hurry of consultation. But in Mr Dane's work, this disadvantage is entirely overcome by a general Index to the whole work, occupying, with the names of cases, a volume. This index, we venture to pronounce, absolutely unrivalled in fulness and accuracy, bringing within the reach of the most ordinary diligence, all the leading positions and doctrines of this extensive compilation.

As to the execution of the plan, the nature of which we have endeavoured to explain in a succinct manner, it is difficult to give any but a very general sketch. It is obviously impracticable to go into the details of a work, extending through eight octavo volumes, with a crowded type and margin, and embracing nearly six thousand pages. We have no room to indulge in criticisms on particular passages. Even to examine the divisions and subdivisions of a single title, would be a most exhausting process, and occupy more pages, than belong to the review of

any single work. In general, it may be said, that the learned author has executed his task with becoming diligence and ability. He has bestowed forty years of a most studious life in the labor, and has here given the results of all his juridical reading, in a compendious and accurate form. His comments exhibit various learning and close reflection, and his illustrations cannot fail to assist such, as seek for aid in those obscurer parts of the law, which perplex by their intricacy and equivocal direction. We choose rather to subjoin extracts exhibiting the actual execution of the work, from which the reader will be able to form a fair judgment, than, by mere general expressions of approbation, to hazard in any respect the just reputation of the author.

Upon one or two topics, however, we wish to be indulged in saying a few words, because they give a distinguishing value to this Abridgment.

In the first place, it contains a full view of the doctrines, which belong to subjects principally within the cognizance of the Federal courts. Such are matters of admiralty jurisdiction, and revenue seizures; the law of prize, the rights and duties of neutral nations, and the claims of foreign sovereignties to immunities in our courts, and other topics connected with the administration of public law; the equity system administered in the courts of the United States, in some respects necessarily varying from that constituting a part of the local law of the states; and lastly, this local law itself, so far as in these courts it regulates the rights and remedies of parties, and is brought into discussion in cases between citizens of different states. The complicated relations of the states with each other, make the administration of this branch of jurisprudence (which may not unfitly be denominated *international private law*) a task of no inconsiderable delicacy and difficulty. Above all, it embraces the discussions of those questions of constitutional law, which have on various occasions engaged the earnest attention of the different states in the Union, and which have been so ably argued at the bar of the Supreme Court of the United States.

In the next place, it devotes a whole chapter to the collection and arrangement of the laws of the several states, respecting titles to real estate, by grant, by devise, and by descent and distribution. This, of course, must bring together a very important mass of matters, not easily found in any single private or public library, and furnish ample means not only for professional in-

struction, but for the exercise of legislative discretion. The harmonies and discrepances of the different systems are thus presented in a single view; and the best opportunity afforded of correcting errors, and introducing gradually homogeneous and consistent regulations on these vital interests of the Union.

Moreover, it embraces a large collection of decisions, many of which have never before appeared in print, and are valuable from their general applicability as well as the fidelity with which they are reported. Before the publication of regular reports in our country, many questions of the highest moment were litigated and decided in our courts, which form rules of property; and it is no inconsiderable present to the profession to embody these, in an authentic form, as well as to add to some of the cases now in print, reports more full, exact, and satisfactory.

Again, large extracts are introduced from the civil, the French, and other foreign law. The utility of this part of the work cannot escape the observation of the profession. The civil law, modified by French and Spanish ordinances and usages, constitutes the basis of the law of Louisiana and the territory of the Floridas. These portions of the Union are daily becoming more and more interesting, in a commercial view, to all the states. The law, which there regulates civil and commercial rights and remedies, is of great practical importance to emigrants, to merchants, and to relatives residing in distant regions. Unlike the other states, in which a common jurisprudence, that of the common law prevails, these territories are perpetually presenting unsuspected differences not only in rights, but in the administration of remedies, which require to be accurately known, in order to avoid embarrassing and often fatal mistakes. Lawyers, therefore, in every part of the Union, will gladly accept any means of assisting their inquiries on these subjects, and will find ready answers to many questions. Fortunately for Louisiana, no inconsiderable portion of her civil jurisprudence has been reduced into a systematic code, whose basis is that admirable performance, the Napoleon Code. Mr Livingston is now executing, under her patronage, a Digest of her Criminal Jurisprudence; and from the portions, which we have been permitted to inspect, we have no difficulty in saying, that it is a work of singular acuteness and philosophical precision, and in the highest degree creditable to his genius and industry. Such works have been occasionally disparaged by the exclusive admirers of the common law, and still more so by the overheated zeal and

extravagance of some of the advocates of codes; but we feel a confidence, that they are so useful and convenient, that they will, at no distant period, attract the attention of the legislatures of other states, and gradually lead to great improvements in the science of legislation, as well as in the actual administration of the law.

But it is not in this view alone, that the civil and foreign law have claims upon those, whose province it is to cultivate the study of the common law. The civil law itself is an inexhaustible treasury of general principles, solid distinctions, and just doctrines, applicable to the concerns of a busy commercial age, and especially to every species of commercial contracts. The common law has indeed appropriated to itself, without a fair acknowledgment, many principles of this admired jurisprudence. Our law of contracts rests on this basis, and has become equitable only so far as it has ceased to be feudal, and liberal so far as it has been drawn from Roman fountains. The splendid panegyric of Gibbon, in the fortyfourth chapter of his Decline and Fall of the Roman Empire, is not a mere vainglorious boast, but is supported by facts. 'The vain titles of the victories of Justinian,' says the historian, 'are crumbled into dust; but the name of the legislator is inscribed on a fair and everlasting monument. Under his reign, and by his care, the civil jurisprudence was digested in the immortal works of the Code, the Pandects, and the Institutes; the public reason of the Romans has been silently or studiously transfused into the domestic institutions of Europe, and the laws of Justinian still command the respect or obedience of independent nations.' Dr Brown, a very competent judge, in one of the notes to his Brief Sketch of the Civil Law, says, 'I scarcely ever yet have met with a point, not connected with the feudal law, in which, if English books did not satisfy the doubt, I have failed to find its resolution in the civil law.' Can it then be doubted, that an incorporation of such of the civil law principles, as are illustrative of the common law, into an Abridgment, is of great value to students, and especially to those, who wish to acquire philosophical views of jurisprudence, and aspire to something beyond the reach of an ordinary attorney? The author well remarks, that

'A complete system of law and equity, best calculated to preserve the power of the magistrate and the rights of the people, is the last thing men attain to in society. Peter the Great soon understood everything in the civilized parts of Europe, but the

laws; and because he could not understand them, he never ceased to prefer the despotism of Turkey, "where the judges are not restrained by any methods, forms, or laws." Ancient Greece, though eminent in other sciences, never had such a system. The reason is seen in the almost infinite variety, extent, and combination of ideas, founded in nature, experience, and cultivated morality, so essential in forming and completing such a system. It is very clear, that a great republic, in which there is room for talents; in which thoughts and actions are not restrained by religious or political despotism; in which education is encouraged, and moral character is esteemed; in which the law rules, and not the sword; in which each one asserts his rights by law, and not by force; and in which there is representation, jury trial, and a free press, is the natural field of law and equity; but to produce these in perfection, there must be a *national* character. The rules of law and equity, in important matters, must be uniform, and pervade the whole nation.' Introd. pp. 14, 15.

We have adverted to the impracticability of giving, within the ordinary compass of a review, an analysis of this extensive and various work, and therefore select a few extracts from it as examples of the manner and style of the author, to give our numerous professional readers an opportunity to form a correct estimate of the infinite labor, patient perseverance, and extensive learning of the author. He has taken frequent occasion, in the course of the work, to introduce critical and concise commentaries, on abstract points of law, and elaborate discussions of questions, that have often perplexed and divided the minds of the bar and the bench. These are usually termed *notes* and *comments*, generally brief, but when it is necessary, extended and elaborate.

The first example of these discussions we find in volume first, chapter ninth, article twentysecond, in eighteen sections, on the questions, often arising and often contested in practice, *When does an express promise exclude an implied one?* and *When may the plaintiff recover on the common counts?* In these sections the author cites nearly a hundred select authorities. He observes, that cases, in which these questions arise, are very numerous, and that he should notice as many of them as might be proper, to illustrate the general principles, on which this class of cases is decided. The leading principle is laid down by Buller J. who observed, 'The law raises an implied promise because there is no security given by the party; but if the party chooses to take security, there is no occasion for the law to

raise a promise; promises *in law* only exist, where there are no express stipulations between the parties.' We regret, that our limits do not allow us to insert here the very able discussion of this subject by the author.

The discussion of another disputed point, is found in chapter twentyfourth, article fourth, in twentyfive sections; it arises on the question, *Is a* chose in action *assignable in its nature at common law*, or *when there is no statute on the subject?* to which we refer, as well worthy of the attention of our legal readers.

The author in this discussion clearly shows, that the doctrine in relation to negotiable contracts is different in our several state jurisdictions.

His summary views of a few leading cases, in several important branches of the law and equity, are the condensed result of a critical and minute examination. In volume sixth, chapter one hundred and ninetythird, he has given, in fortyfive articles, a *synopsis* of pleadings. The nature and object of this *synopsis*, or summary of pleadings, is very concisely and well described, in the seventeenth division of his Introduction. This *synopsis*, at large, best explains itself, and, perhaps better than any other plan, will enable the lawyer, and especially the student, to see at once the extent and the various bearings of the several parts of pleadings on each other. On this and other wide spread branches of the law, when many readers may be confused, and in a degree lost in numerous volumes of minute matters and distinctions, such views and results, well made, may be extremely useful; but they must be well made, by one thoroughly master of the subjects, who has long been in the practice of abridging, of taking such views, and of forming such results.

Volume fourth, chapter one hundred and fourteenth, article thirtyfirst, contains a summary view of select authorities, on the subject of executory estates. This, too, appears to be the result of an extensive examination made in relation to all kinds of contingent and executory estates, created by way of uses or trusts, by wills, by common conveyances, or otherwise, accompanied with his own views respecting such estates.

A summary view of the most material points of difference between law and equity, is illustrated and supported by many select authorities, in chapter first, article seventh, sections from the thirtythird to the fortyfourth, and is apparently the result of a minute examination of those differences; from which view he draws the following conclusion, which appears in his fiftyfirst section.

'This preliminary sketch of principles and cases in equity, has been introduced since 1801, when equity decisions in America were of but little importance, which since have vastly increased. Such principles and cases, therefore, will be considered in detail, in a considerable degree, in several parts of this work relating to contracts and proceedings in chancery. Except in chapters two hundred and twentyfifth and two hundred and twentysixth, especially appropriated to them, they will be found in chapters also embracing matters in law, in several instances. Law and equity in the United States, are in no small degree mingled together, often in the same cause; except in two or three states, in the same volumes; and in several states, especially in Pennsylvania, Massachusetts, &c. equity is frequently administered by law courts and jurors. And in New York, now, equity powers may be by the legislature vested in the circuit judges, in eight circuits, and in the county courts, or such other subordinate courts as the legislature may direct, subject to the appellate jurisdiction of the Chancellor. So in the highest and lowest courts in Virginia, law and equity powers seem to be blended in the same hands. In this work the object has been, and will be, to adopt the English system of equity as far, and as far only, as it has been adopted by the highest authorities in our own country; a system, highly valuable when we separated (July 4th, 1776), and, for some years after, but which now subjects a vast proportion of English property to almost total uncertainty, and lately induced one of the eminent men of England to observe, "It is a disgrace to the nation." This uncertainty is owing to several causes, but mainly to a vast number of volumes, published since our separation, containing numerous decisions on equity principles, made by different men, repeatedly variant, and often contradictory. Still worse, these volumes, many of them the productions of inferior lawyers, are replete with *obiter opinions*, *dictums*, *seems soes*, *leanings*, inclinings, &c. not only of high judicial officers, but also of inferior ones.

'Though this trash (so the sound law of the land views it), in fact, is no rule of property or conduct, yet it has a great influence; ignorant and indolent judges catch at it; and counsel, engaged in bad causes, seize on it, and, with much ingenuity, make a great deal of it; a similar pernicious effect have the hasty *nisi prius* notions, of late years, published by wholesale. It requires not the spirit of prophecy to foresee, that, in no very long period, the rules of property must become as uncertain, in such a state of things, as in the most despotic governments. If the minute and peculiar features of each new case must be allowed to produce new rules of property, not known in law, and against law,

where is such an equity system to end? It is also absurd to publish thousands of mere dictums, and leanings, &c. when there are published more legal decisions of high and full courts, than any man can read to good purpose. As to equity cases, they have become almost infinitely numerous, and but a small part of them are of much value or use in the United States; hence they are in this work very briefly stated, except Federal cases in chapter two hundred and twentyfifth. But references to equity cases are very numerous, so that, when one shall have occasion to use or study them, he will find them largely referred to; and if each equity case be decided on the minute and peculiar circumstances of it, equity cases must increase a vast deal more than law cases, and when each case is so decided, it can be of but little use in other cases; cases in law, and especially in equity, varying as human faces vary.' Vol. 1. pp. 107, 108.

In chapter two hundred and twentyfifth, the author takes an historical view of equity in the American colonies, and observes that there was no uniformity in it.

'We must, therefore, look in vain for a uniform system in our numerous states.' 'But in the constitution of the United States, we have laid a solid foundation for such a system, which well provides for carrying into effect the judicial powers of the Union, in federal cases, as well on principles of equity as principles of law. The equity mentioned in that constitution, is undoubtedly some uniform general code of equity; and it is equally certain, we can find this code nowhere but in England, or in the English decisions in equity, we have in English books in this country. The practice in the Supreme Court of the United States, in which alone such a uniform plan can grow up in our country, is full confirmation of this opinion; for it is in those books alone it looks for authorities; at most the exceptions are so few as not to deserve attention.' 'In that court it will slowly grow up to a high state of perfection.' 'It is true, that court consists of seven judges, and some think equity must be administered by a single judge; but this idea has no foundation in nature or experience. Not in nature, for a correct moral conscience, or sense of right and wrong, ever has been, is, and will be, as uniform and steady in its office and trust, as instinct or attraction. Were it not so, there would be a great defect in the noblest part of the Deity's works. Not in experience, for examine the equitable decisions, depending on the moral perceptions of the mind, made by the Hindoo judge, four thousand years ago, and the other side of the globe; so of the Roman judge in the days of Cicero or Justinian, in another quarter of the world; and we find them made in a manner, in

which the moral and correct American judge now fully acquiesces. So experience in our own country teaches the same thing.

'The people of the United States, when they formed that national constitution, never once attempted to place these federal powers in equity, in a single judge, in the dernier resort; but placed them in a Supreme Court, never expected to consist of fewer than five judges. Experience further teaches, that the judges of this court have been as often unanimous in their decisions in equity, as in their decisions in law.' 'Equity is necessarily a system of rule and discretion. Discretion, as it depends on the particular circumstances of each case; there can be no settled rule without destroying equity itself, and reducing it to positive law. On the other hand, it is going too far, to have equity without rule. This may destroy all law, and leave the decision of every case solely in the breast of the judge.' Vol. VII. pp. 516, 517.

His compendium of the rules of evidence, in volume third, chapter eightieth, is plain and concise, and embraces the general principles of this great branch of the law.

The principles of law and equity, in relation to *baron* and *feme*, are expounded by the author, with great ability and acuteness, in chapter nineteenth; and in volume fifth, chapter one hundred and seventyfifth, article second, are stated the cases in which they must be joined or not, in suits by or against them.

In the course of the work, the reader will find many brief summaries, like those just referred to, in which the rule of law is clearly and concisely stated, with brief expositions of the reasons of the law; these will be of great value to the profession in the hurry and bustle of practice, when they are often compelled to decide, before they have had leisure to examine many books.

In various parts of the work, the author has occasion to give his views of the true construction of *constitutional* and *statute law;* his commentaries on these are the fruits of professional discipline, familiar acquaintance with our history, and sound judgment. We select, as an example, chapter fortyeighth, in which he gives his construction of the article in the Bill of Rights, prefixed to the constitution of Massachusetts, called the third article, and of the act of March fourth, 1800, on the same subject.

'By this article is established; 1st. That all religious taxes must be "for the institution of the public worship of God, and for the support and maintenance of *public Protestant teachers of piety, religion, and morality;*" nor has the legislature power, by this article, to enjoin provisions, or means, for the support of any other description; nor to support these, where provision is *volun-*

tarily made; nor to enjoin attendance on any other, nor on these, only where the party can *conscientiously* and *conveniently* attend; and *each religious society* has the sole right to elect their public teacher, and to contract with him.' Vol. II. pp. 329, 330.

The author restricts the enforcing power of the legislature to *Protestants*, and contends, that, according to the invariable meaning of this article, none but *public Protestant teachers* are to receive legislative support. This he considers *sectarian.*

In section fifth, it is stated, 'that all monies assessed and paid by any one, "for the support of public worship, and of the public teachers aforesaid," (that is, said public Protestant teachers), shall, if he require it, be applied to support the public teacher of his own denomination; so that the party's right to carry his tax from the parish or precinct in which it is raised, exists only among different sects. If a teacher be not Protestant and public, or if he neglect to teach either piety, religion, or morality, it is a question, whether he be within the provision. If so, in every case, where a minister, calling himself of a different denomination, brings *assumpsit* for monies had and received, to recover monies raised in another parish, the question may be raised if he be, 1st, *A public Protestant teacher?* 2dly, If he be such a teacher of *piety*, *religion*, and *morality?* And 3dly, If of a *different denomination* from the parish, in which such monies are assessed and raised? If he fails in any of these points, can he recover? Thence can a *Jewish*, *Hindoo*, *Mahometan*, or Catholic teacher recover? It has been decided, that none but Protestant teachers can.' p. 330.

In the sixth section, he notices the act of March fourth, 1800, requiring each parish, if able, to 'be constantly provided with a *public Protestant teacher* of *piety*, *religion*, and *morality*,' and 'that any contract made by any town, parish,' &c. 'with any such public teacher,' chosen by it, shall be binding; and after noticing its conformity with the article in the bill of rights, so far as it applies only to such as are *Protestant* teachers, he observes,

'In the latter part of this act, provision is made, that a man's tax, assessed in an *incorporated* religious society, may, at his request, "be applied to the support of the public teacher of his own religious sect," where he *usually attends*, and where he *belongs.* This provision is, perhaps, broader than the constitution; for this provision does not require the public teacher, who is to receive the man's tax, to be a Protestant, or to be a teacher of *piety*, *religion*, and *morality;* but it is enough, to satisfy this provision, that the

man, paying the tax, be of a *different* denomination, and pay it to *the teacher* of *his* sect. Now a Jew may be taxed in a *Congregational* parish, and within the words of the act, be, at the time of voting or raising the tax, of a different sect from such parish; may belong to a Jewish society, and usually attend public worship there, and prove this by a formal certificate from his society. If he do this, he may, on this act, apply his tax, or have it applied to his Jewish public teacher. This is liberal, and on the true principles of *toleration;* but it may be empowering individuals to apply their taxes assessed for the support of religion, and to the support of religious teachers, in a way not contemplated in the constitution; and, therefore, if a Jew be taxed in a Protestant parish, and its committee refuse an order, for paying his tax over to his Jewish teacher, it is a question, if that teacher can, in *assumpsit*, or any other action, recover it.' p. 331.

After examining the several views, presented in the discussion of these constitutional and statute provisions, he concludes by observing in section eighth, that

'The people, in forming the constitution, meant to support, *by law and taxes, public Protestant teaching of piety, religion, and morality;* and to leave all other religions to be supported by voluntary donations, or contracts of individuals, and not that the legislature should lay and enforce any taxes, to support these other religions, directly or indirectly, though the tax should enforce *voluntary contracts* in regard to them.' p. 333.

In chapter one hundred and first, article fifth, he gives the rules of construction of covenants, contracts, wills, &c. on general principles of law. His construction, in each case, is concise, plain, and supported by authorities. This part of the work is not found in any other, at one view, and must be very useful, as it is a collection of the best authorities, which can be consulted on the construction of written instruments. In a few pages, there is presented to the reader the substance of what is scattered over several hundered pages of the work, in the different articles, where the construction of wills, contracts, &c. was considered.

The judgment and skill of the author are conspicuous through the work, in his *manner of abridging* cases; this is an art difficult to be acquired, and essential to the successful execution of the task he had undertaken. Habitual practice, long experience, untiring patience, sagacity, and discrimination, are qualifications, combined in few individuals, and all these are necessary.

To condense and compress into a small compass, cases minutely and diffusely reported in the modern fashion, to reject redundances, retrench *verbiage*, and immaterial circumstances, and, at the same time, to perceive and preserve all the cardinal points, the material facts, and the unbroken course of argument, is a rare and difficult art. This work contains many examples of the experience and skill of the author, in executing this part of his duty. A few only, among the thousands of cases abridged, can be noticed.

Windham v. Chetwynd, reported in 1 Burr. 414, takes up seventeen pages in the reporter's volume. The abridgment of it, which the author has given in chapter one hundred and twentyseventh, reduces it more than nine tenths.

'This case contains all the most important law on this head [credibility of a witness to a will or devise]. It was decided, on a special verdict, finding that the testator had charged the residue of his real and personal estate, with payments of his debts and legacies, and that A, B, and C were witnesses to the will; and that, at the time they attested it, and at the time of his death, they were creditors to the testator in account, but were paid off, before they were examined to prove the will. After two arguments, the court decided, that they were good and credible witnesses, at the time of the attestation. Hence this was a good will of lands within the statute of fraud, 29 Ch. II. But Lord Mansfield and the court decided as above, and said, the said statute is silent as to the capacities of witnesses; "*credible*" presupposes the evidence given, and so is never used as synonymous to "*competent.*" After the competence of a witness is allowed, the consideration of the credibility arises, and not before. The word *credible*, in a statute, can mean no more, than that the credibility of the witness is to be weighed; but this credibility is no part of the necessary form, in the attestation of wills, and said, the word *credible*, in the statute, was probably used as a *word of course*, and misapplied; that, at the time this act was passed, there was no law, whereon a question could arise to the competency of a witness, at the time of knowing the fact he came to testify, but only where he was competent or credible at the time of the examination. Whether a witness to a will was competent or credible, at the time of examination, cannot be a question; for he may die, or become interested before that time. What objections, then, to a witness are good or not, must be left to the judges, on the circumstances of the case. 1st. On the ground of the case. 2dly. On the authorities. First, on the ground of the case; the power of devising ought to be favoured;

it is the natural consequence of property; was a right before the conquest, and it ceased in the time of Henry II. on the introduction of the feudal system, soon revived in the form of declarations to uses. The statute of uses accidentally checked this, and then the statute of wills was made. The 29th Ch. II. did not mean to restrain devises of lands; they had become more reasonable, than before the conquest, or among the Greeks and Romans; the statute was intended only to guard against fraud; but perhaps it has overturned more fair wills, than it has prevented fraudulent ones. "Suppose the subscribing witnesses honest, how little do they know; they do not know the contents, they need not be together, they need not see the testator sign (if he acknowledge his hand, it is sufficient); they need not know it is a will (if he deliver it as a deed, it is sufficient)." Judges then must lean against objections to the formality. He is a witness if, at the time of his examination, his testimony does not tend to support his title, and to enable him to hold or recover an interest under it. So, if he have a great or greater interest, that the will be set aside; a release, payment, or a tender makes him a witness. So, if his interest, at the testator's death, cannot take effect. And the same, as to a legacy, or devise. Remote interest, that may disqualify in other cases, does not in the case of a will; a devise to the poor of the parish does not disqualify the parishioners from being witnesses; this they cannot release. The objections of interest proceed on the idea of a too great bias of the mind of the witness, but may be taken off by showing the witness has a great or greater interest the other way, or, that he has given it up. "The presumption of bias arises at the time of the subscription." But it may be answered by showing the witness was heir at law, or that the devise is void, or that he has renounced it; and secondly, "In many cases, a presumption of a bias, from a legacy, at the time of the subscribing, has been allowed to be taken off by a release."' Vol. iv. pp. 563—565.

The important case of Zouch v. Parsons, reported in fifteen pages, 3 Burr. is given by the author in two pages, with all the material facts, points made by the counsel, and the substance of Lord Mansfield's able opinion.

Various other leading cases are abridged, with equal clearness and conciseness. We would refer to the important cases of Pasley & al. v. Freeman, in volume second, chapter sixtysecond; Marshall v. Fisk, in volume fourth, chapter one hundred and fourth; Gelston and Hoyt, volume seventh, chapter two hundred and twentyfourth; and the case of Judge Chase, impeached before Congress, which was reported in an octavo volume,

but is abridged by the author, in thirtyfour pages, in volume seventh, chapter two hundred and twentysecond. In each abridged case, are preserved the material facts, the substance of the pleadings, the arguments of the counsel, and the opinions of the court, often with the addition of the author's comments.

The author has, in a similar abridged form, reported several hundred cases, which were decided in our highest tribunals, during his extensive practice. These can be found in no other work. We can notice only a few of them.

'Ingalls v. Corlis. (Massachusetts, Essex, November, 1800.) This was an action of covenant broken in a deed, by which Corlis conveyed to Ingalls in 1788, a lot of land No. 3, in the sixth range of lots in Concord, or Guns Thwaite in New Hampshire; the consideration acknowledged was three hundred dollars, and the defendant's covenant was to warrant and defend the said lot to Ingalls, in fee, against the lawful claims of all persons; and that the same lot was free of all incumbrances whatever. August sixth, 1763, Benning Wentworth, Governor of New Hampshire, being authorized by the king to sell lands, granted the township of Concord, including this lot, to the Concord proprietors, on certain conditions of settlement, and there was no evidence these were performed.

'October, 1768, John Wentworth, the succeeding governor of New Hampshire, also authorized by the king to grant and convey lands, granted the same township to the Guns Thwaite proprietors, under whom Corlis, by several intermediate conveyances, claimed and held this lot. Ingalls, after he purchased it, settled upon it, under the Concord proprietors, to whom so granted in 1763, and they entered and took possession of the township, taxed the lots, and he suffered this lot to be bid off for taxes; but there was no evidence they evicted him by suit, nor that he had lost his land.

'The court held, first, That the second grant, of 1768, could not be given in evidence, to support Corlis's title, for though that of 1763 was on condition, and it might be the grantees had not performed; yet the king or his governor could make no other grant of the same land, in derogation of the first grant, till he had, by some legal process, repossessed himself of the land for a breach of condition; that this was common law, and law in all the colonies; therefore, the grant of 1768 was rejected.

'The other point decided, was, as to damages, two hundred dollars, the sum proved to have been actually paid as the consideration, and interest. But this point has been much better settled since. In this case, it may be observed, the land lay in

New Hampshire, and the action was in Massachusetts; so was the case of Marston v. Hobbs, [2 Mass. Rep. 433, and noticed by the author, in section third, article eighth, of the same chapter.] 2dly. That the king's grants on condition remained good, till he vacated them by some legal process. 3dly. That the plaintiff recovered in covenant broken, on its appearing the defendant had no title to the land, and on the former proprietors' entering, and keeping up their claim, though they had never established their title by any action, and on a proper process it might perhaps be found, they had none. 4thly. And though the plaintiff had not been actually evicted, or lost his land recovered, it does not appear, in this case, which covenant in the deed the court considered as broken, the covenants of seizin and of right were not mentioned, if in the deed the covenant of warranty strictly was not broken; as the plaintiff had not been, in fact, evicted. The Concord title, then, of 1763, viewed as better than the title of 1768, under which the plaintiff bought and paid his money, he sued to recover back, was probably viewed as an incumbrance to the amount of the value of the land, at the time the defendant sold to the plaintiff; and that the consideration, actually paid, was, as between the parties, the measure of the value.' Vol. IV. pp. 348, 349.

We may observe here, that, as extensive tracts of land in the colonies were conditionally granted by the king, and, in many instances, the conditions were never performed, nor any legal process pursued by the king, to repossess himself of them for a breach of condition, the titles of the grantees, according to the above decision, remain good, notwithstanding such breach of conditions.

In the following section (seventh), the author has reported the case of Tenny and wife v. Sawyer and wife, decided in the Supreme Court of this state, at the November Term in Essex, 1781. In this case were examined and decided six important questions. First, As to *estoppels*. Second, That a brother or sister of half blood is heir with one of whole blood. Third, That a deed is inoperative, when neither the grantor nor grantee is in possession, and there is an adverse possession. Fourth, A deed made by a minor and acknowledged, after he comes of age, is valid. Fifth, The devisee of a grantee vouched the grantors, living, and the *heirs* of deceased grantors, together. Sixth, The warrantors were vouched merely to aid in the defence, and not for the purpose of recovering over in value against them.

In chapter one hundred and thirtyfifth, article fifth, sections thirteenth and fourteenth, he reports the case of Sawyer v.

Rogers & al. In this case was examined a large part of the law relating to *contingent remainders*, and *collateral warranties;* the opening of an estate to admit a child born after the decease of the testator; and joint tenancy. This case, which is here abridged in three or four pages, was twice argued, and very elaborately. It is worthy of remark, that it was ascertained in this action, that no case, on *collateral* warranty, had been reported in the books, for two centuries.

A part of the plan of the author is to give a compendious summary of the *general principles* of the several branches of the law. Under the head, *general principles*, are found the most important matters, and often the law historically considered. For instance, in chapter eighteenth, article first, the general principles of the law of bankruptcy are thus stated. The author observes, that it is not necessary to consider the bankrupt laws at large in the United States, but admits,

> There 'are many decisions, to be found in the bankrupt cases, which are material to show, where the right of property is, even where a system of bankrupt laws does not exist. In these cases may be found decided some of the nicest and most useful questions, in regard to property, and to frauds, more especially fraudulent sales of property by men on the point of failing, or in embarrassed circumstances.' 'As it will be observed, bankrupt laws are but briefly considered, in this chapter, and insolvent laws, in chapter thirtyninth, laws that so easily run into each other, and which have been so often confounded, it may be proper, in a few words, to notice their origin, and usual material differences."
>
> 'Insolvent laws existed in Rome, under the description of *cessio bonorum*, whereby the debtor's body was exempted, if he did yield up his goods, that is, his estate to his creditors, but his future acquisitions of property remained liable for his debts. Such laws were not necessary in England, at all, till the year 1267, nor in any considerable degree till 19 Hen. VII; for before 1267, there was no imprisonment for debt in England; this was gradually introduced by acts of Parliament, passed A. D. 1267, 1283, 1285, and mainly by 19 Hen. VII. Ch. 9, which last act gave the like process, in actions on the case, and for debt, as in trespass, that is, imprisonment, &c. After this time, the kings of England occasionally granted relief in the nature of insolvent acts; but no proper insolvent act was enacted by Parliament, till A. D. 1660; and in 1671, this act was reenacted, and made the first regular insolvent law in England; and this became the model of all after insolvent acts, occasionally passed in England and her colonies, about forty of which have been enacted in England; these acts

have included all classes; most of the colonies enacted them; the great end of which was, usually, to exempt the debtor from imprisonment, on giving up all his property to his creditors, leaving his future acquisitions of property liable for his debts.

'Bankrupt laws grew out of commerce, and it has been stated, that the first bankrupt act, 34 Hen. VIII. extended to all persons, and mentioned no discharge, and made bankruptcy criminal. The first proper bankrupt act was 13 Eliz. Ch. 7, followed by 21 James I. Ch. 19, and eleven or twelve others, all confined to merchants, and traders living by buying and selling. But few of the colonies passed bankrupt acts; but many insolvent acts, as Massachusetts, in 1698; New York, in 1755; Rhode Island, in 1756, &c. Insolvent acts sometimes, though not often, discharged the debtor's property as well as his body; these, in principle, were bankrupt acts so far; but one distinction has ever existed, that is, an insolvent act has ever operated at the instance of the debtor *imprisoned*, but bankrupt acts, at the instance of creditors; further, bankrupt acts have generally discharged the debts of the debtor wholly, and left neither his body nor future acquisitions of property liable to pay them, though all this seems to have been rather by implication, than express law, till the 4th and 5th of Anne.

'*Insolvent* and *bankrupt* laws are thus materially different, and the difference is most material in our system; for, by the Federal constitution, Congress has power "to enact uniform laws, on the subject of bankruptcy, throughout the United States;" and it has been decided, the several states have power to enact bankrupt laws, when the power is not exercised by Congress; also, that the power to enact insolvent laws has ever been left in the state legislatures, but in both insolvent and bankrupt laws, this state power must be so exercised, as not to violate the first article, section tenth, of the constitution of the United States, which provides, that "no state shall pass any bill of attainder, *ex post facto* law, or *law impairing the obligation of contracts;*" also decided, that imprisonment of the debtor's body is no part of his contract.

'At that time [1800], Congress passed a bankrupt law, nearly in the words of the principal British statutes, on the subject, and in 1804, repealed it. But the repeal did not revest any power in the several states, to enact bankrupt laws, if they had it prior to April 4th, 1800.

'It is a fundamental principle in a system of bankruptcy, that the instant one commits an act of bankruptcy, that, and every after act of his, is void so far, that he can make no disposition of his property, but in some especial cases. From this principle

result several actions, deserving notice; some to the assignees; some to the bankrupt; and some to his creditors; several instances of which have been already stated. But a bankrupt's case may be taken out of the bankrupt laws, by the consent of all concerned. Every trader, able to contract, may be a bankrupt.' Vol. 1. pp. 316—318.

These *general principles*, according to the author's plan, are, in several articles, followed with cases in detail.

In several chapters, he has given selections from the French law, and the law of Louisiana. We refer the reader to chapter first, article seventh, sections from the second to the twentyseventh, on the subject of contracts and considerations, where are collected the principles meriting notice in the civil and French law of contracts; to chapter seventeenth, article seventeenth, on the subject of *bailments;* chapter fortyfourth, article fourth, on *liens;* chapter one hundred and fortysecond, *property pledged* in Louisiana; chapter one hundred and fortyseventh, *legacies;* chapter one hundred and sixtyfirst, *limitation of the time of suing* in Louisiana; chapter two hundred and twentythird, Louisiana law generally, on the subject of descent of estates *causa mortis;* sales of property; slaves; property seizable on execution; property by occupancy and prescription. The French laws, in force in Louisiana, have been selected on these subjects, probably because peculiar to that state, where a knowledge of the laws of other states relating to them, would be of little or no importance.

We have now finished our cursory survey of this extensive work. Many may regret, that it did not sooner appear. So far, perhaps, as it respects the English law contained in it, the author's industry might have collected materials for its earlier publication. But had it been published fifteen years ago, it would have lost so many years of his valuable labors, and, what is very important, at that time, it could not have included the best portions of our American law, which have been published since.

There has probably never been a time, when the English law, in force here, the French law which we have dopted, and the native American law, could have been better embodied in one 'great national work.' Earlier, perhaps, our native American law, especially Federal, would not have furnished materials; and had it been delayed, our laws might have become too bulky and numerous, to have been abridged in this way.

Respecting its literary execution, we would observe, that a

uniformity of style pervades the whole of the work; it is obviously the production of the same mind and the same pen. Simplicity, plainness, and brevity, are its characteristics. In a scientific work, his aim seems to have been to use the precise and technical language of science, rather than the embellishments and diction of literature. Fastidious critics will perhaps object, that, in the constant effort to use intelligible and simple language, his phrases are sometimes colloquial, and sometimes quaint; these qualities are observable in the treatises of many of the writers on the common law, who are not ambitious of adapting their style to the caprices of taste, and the changes of manners.

The last volume consists of references, and contains the largest *table of cases*, and the most copious and minute Index to be found in any law work, English or American. The addition of a running title to the Index, would have much facilitated the use of it. We would, however, refer the reader to the author's short preface to the eighth volume, containing the Index, in which he will find several facilities in citing the work, quite peculiar to it, and intended to supply the want of such a title.

The value of an accurate Index is well known to those, who have frequent occasion to consult voluminous works, in any science, and to construct a good one requires great patience, labor, and skill. If any, that have long been accustomed to the English Abridgments, think the mode of division and arrangement in this work inconvenient, its defects are supplied by the fulness and accuracy of the Index. Even the celebrated compilers of the civil law held discordant notions as to classification; and the three great works, which have shed lustre on the reign of Justinian, the Code, the Institutes, and the Pandects, were arranged each after a different method.

In this elaborate work are presented the matured fruits of nearly fifty years' study, meditation, and research. The author has honorably discharged the debt, which every man, according to Lord Coke, owes to his profession. A deliberate and careful examination of the whole work, will induce a concurrence in the opinion of one of our most learned and eminent judges, who examined a large part of it, before its publication, that the titles in general, as well as those he examined, 'exhibit a far more complete and methodical view of the law, than the corresponding titles of any abridgment now in use, and that it will peculiarly facilitate the labors of students in the profession.' We

cannot refrain from expressing our admiration of the patient assiduity, indefatigable industry, and ardent devotion to professional learning, of which this work, more extensive and voluminous, than any that has been published by any individual in our country, on any subject, either in science or literature, is the honorable monument. Mr Dane's arduous labors at the bar, at which he held a distinguished rank, for the long space of nearly forty years, would alone have been deemed, by most men, sufficient occupation. Few, however, have devoted so much time and exertion to the public service, at the most gloomy periods too of our history, when the hearts of the wise and virtuous were filled with perplexity, and our most able men were anxiously summoned into the public councils. The journals of the state and national legislatures show, that he was one of the most influential and leading members of those bodies.

In 1780, soon after the civil government of Massachusetts had been organized under its constitution, then just adopted, a committee, consisting of the Judges of the Supreme Court, the Attorney General, James Bowdoin, and John Pickering, was appointed to revise the statutes, in use in the Commonwealth, to select, alter, abridge, and digest them, in order to accommodate them to the new form of government. Mr Dane was chairman of the legislative committee, to whose careful revision and severe scrutiny all the bills were subjected. The legislature again, in 1812, appointed him chairman of a committee to collect and publish the *charters*, and the public and general laws of the late colony and province of Massachusetts Bay; and, at a subsequent period, to revise and consolidate the various statutes regulating the Probate Court. He has contributed more services in the revision and improvement of the statute law of Massachusetts, than any other individual.

The journals of the Continental Congress in 1787 and 1788, while all the legislative and executive powers of the national government were vested in that single body, abundantly prove, that Mr Dane was an able, efficient, and influential member; and was frequently associated on the most important committees with Madison, Hamilton, and King. He was the framer of the celebrated *ordinance* of Congress of 1787, for the government of the Territory of the United States, Northwest of the River Ohio, an admirable code of constitutional law, by which the principles of free government were extended to an immense region, and its political and moral interests secured on a perma-

nent basis. One of its fundamental provisions, 'that there shall be neither slavery nor involuntary servitude in the said territory,' prevented, by a wise foresight, a mass of evils, and rendered that fine country the abode of industry, enterprise, and freedom.

In drafting this ordinance, Mr Dane incorporated into it the cardinal preventive provisions, against impairing the obligations of contracts by legislative acts. A few months after the adoption of this ordinance, the convention, which framed the Federal constitution, ingrafted the same great moral principle into that instrument; and it is worthy of observation, that this fundamental provision was so much in accordance with the moral sense of the American people, that, amid the great diversity of opinions, and variety of amendments and objections to that instrument, in the state conventions, no proposition was made, from any quarter, to expunge this restriction on their power to resort to *relief* and *stop laws*, which had, in various shapes, at that time aggravated the distresses of the people.

A liberal and learned profession will hold in high estimation the labors of this eminent civilian and lawyer, who, for half a century, has made American jurisprudence and American institutions his peculiar study; and every lawyer, instead of feeling regret for deficiencies, ought to be animated with sincere gratitude for what has been accomplished.

ART. II.—*Elements of History, Ancient and Modern; with Historical Charts.* By J. E. WORCESTER. Boston. Cummings, Hilliard, & Co. 1826. 12mo. pp. 324. and fol. pp. 34.

THE advances that have been made in education, during the present century, so far as elementary books are concerned, are among the most noticeable things of the age. We do not speak merely of the increase of such books; for this, apart from their increasing merit, is no inconsiderable evil. But there has been, from the humblest schools up to our highest academical institutions, much actual improvement in books and modes of instruction, which are so intimately connected, that they may be expected to advance with equal steps. Scholars have not been disposed, in general, to acknowledge, that there are many dis-

coveries to be made in the methods of imparting a knowledge of what mankind have been constantly learning, ever since the dark ages, where the limits and boundaries of the art or science are well known; but whatever may have been our belief on the subject in our reasonings *a priori*, there are examples enough of recent improvements, not indeed to justify the visionary theorists, who look forward to a summary process for all sorts of learned acquirements, but enough to satisfy the reasonable expectations of wiser men, who have grieved over the elaborate processes gone through by learners for the obtaining of slender results, and the lamentable mechanical contrivances resorted to for learning that, which ought to be the work of the understanding. We are not among those who think that children and young people will ever find, that they can play their progressive course through all learning and knowledge; but we know and have seen how much encouragement they want, and how unreasonably their elders sometimes presume upon their capacities, and power of attention and of reasoning from one example to another, little remembering the bitter tears, and disappointments, and mortifications of their own boyish years from the same source. Knowing these things, we would encourage every facility to learning, which is not obtained by the sacrifice of anything valuable in what is to be learned. It is with this view of the case, that we are always pleased to see every useless incumbrance thrown off; to see logic despoiled of its old barbarous terms; to see the rules in our Latin grammars, expressed in our vernacular language; to see everything technical rejected, except so far as it is subsidiary to the understanding and memory, in acquiring and retaining valuable truth. Not that we approve of perpetual change, without evident practical benefit. Too much of caprice has been witnessed in this respect, in the multiplication and introduction of school books; and a foolish vanity has often instigated a teacher to issue his spelling-book, or grammar, or arithmetic, of which the highest praise is, that it is harmless or superfluous. But while the market has been filled with these small and easily wrought wares, there has, till of late, been wanting an elementary work on ancient and modern history.

Tytler's Elements, the first work of this kind, which we think it necessary to notice, has been regarded, as it deserves to be, with respect. Formed from the abundant materials furnished by a course of lectures on general history, which he delivered

for a succession of years in the University of Edinburgh, it might be expected to display all the learning and fidelity, which the subject demands. And in these respects, the reader is not disappointed; for the work manifests much diligent research, and a good deal of philosophical reflection. It imparts a just knowledge of the progress of literature and the arts, and of the state of society and government of different countries at different periods. All this is done so much better than it had been done before, in a small compass, that the work is a very useful addition to the class of books to which it belongs, though not calculated for the earlier stages of education. It too frequently indicates, that its origin was in the lecture room; for while it is sufficiently full of the philosophy of history, the *philosophy* is not sufficiently taught and illustrated by *examples*, to comport with the ancient definition of history given by Dionysius of Halicarnassus, which is so often quoted to this day. The speculations are too often dry and uninteresting, and not sufficiently intelligible to the young pupil, whose attention must be lured by easy and simple narrative, and who cannot be expected to gain much from abstruse reasonings upon causes and consequences, either physical or moral.

The style of this history partakes of the general character of the work itself; and is wanting in that simplicity, which is necessary to adapt it to youthful minds.

Well conducted philosophical discussions concerning persons and facts, are indeed among the higher excellences of the historian; but considerable maturity of mind is requisite, in order to estimate their value, and to derive from them the instruction they are intended to impart. We are persuaded that many of these discussions in Tytler's Elements are above the reach of learners, and anticipate much more historical knowledge than the book itself furnishes. This is a great blemish, and very discouraging to young readers. Indeed one of the greatest mistakes, and a mistake among the most difficult to avoid, both in books and in modes of teaching, is the presuming of too many things as already known, which are known only to the writer or preceptor. We are too apt in imparting instruction to children and youth, to come too suddenly to results, forgetting some of the steps by which we ourselves arrived at the knowledge we would convey; and the learner strives and perplexes himself in vain, to supply the defects of his teacher.

One other defect of this work, considered as an elementary

book, is the arrangement of its materials. It is divided into chapters, the subjects of which are often but slightly, and sometimes not at all connected with each other. The thread of historical narrative is so frequently broken, that the interest of the pupil is not awakened and sustained, and he comes from his task with vague and indistinct impressions. After having studied the whole work with diligence, he will indeed have obtained many important facts and useful truths; but his knowledge will be confused and unconnected, and no regular outline of the history of any empire or state will be impressed upon his mind.

We are confirmed in the justness of the foregoing remarks, by the testimony of several experienced teachers; and it was probably the growing dissatisfaction with Tytler's Elements, which was perceived to exist among instructers and their pupils, that induced one of our own countrymen to offer the public a work of similar kind, but of a character more pleasing and popular.

The work to which we refer, is a *Compend of History*, by *Samuel Whelpley*. If Tytler, in his style, aiming to be didactic, is dry, and philosophically dull; Whelpley, on the contrary, striving to charm too much, by the eloquence of his diction, is often verbose and declamatory. As it is impossible to tell at how early a period of life a false taste in the use of language may be formed, we do not think it unimportant, and we deem the present a fair occasion, to protest against some of the faults of style, which pervade this Compend. We have said it is declamatory, not in the worst sense of the word, but far too declamatory for history. It is seldom sufficiently simple, and everywhere abounds too much in epithets; and the writer too frequently forgets, that there is any distinction between the province of the historian, and that of the orator. Hence it is there are many passages, which would not disgrace a fourth of July oration, and some, which would be animated and not unseemly in the pulpit; but which, in both kinds, are out of place in history. The directions of all the standard, philosophical critics require in narration a style at once concise and comprehensive, a style, which rejects superfluous words and circumstances. Redundant epithets are even sparingly allowed to poets; least of all writers, perhaps, to the historian. But beside the *multitude* of epithets, in the *Compend* of which we are speaking, they are often offensive in their kind. It is, to be sure, the

duty of the historian to give the proper moral distinctions between characters and between actions; but having done this, without exaggeration, he has done his duty. There is no need of perpetually heaping up epithets, as if it were impossible to reach the full measure of panegyric or indignation, which the person or action seems to invite or provoke. 'Infamous, atrocious, and abandoned,' are all linked together to brand one character; another is an 'infernal monster,' and his acts those of 'savage barbarity;' 'atrocities of a villain, who deserves to sink into the shades of eternal infamy, ten thousand degrees below Nero or Domitian.' Now we must acknowledge, that these, and many other examples of the same kind, are not to our taste; and we should fear they would rather give our children a relish for the *language* of violent crimination, than increase their abhorrence of the criminal or of his crimes.

The arrangement of Whelpley is far preferable to that of Tytler, and the different portions of history are carried on with much less interruption. Many chasms have been filled by the recent editor, who laments, that the author scarcely touched some of the most important topics of history. The additions thus made, comprise about a third part of the last edition, and a valuable part; but they show the difficulty of completing a work, projected, but not sufficiently filled up by a previous hand. Though most of the additions are such as belong to a book of this kind, according to its general plan, yet they are sometimes disproportioned to the other parts, and more prolix than the subjects themselves seem to require.

There are some portions of the modern history, and those perhaps not the least entertaining and instructive, which do not come strictly within the plan of a compendious history. We mean those parts, which deal in generalities, which appear to belong to geography or itineraries, rather than to an elementary work of universal history.

If the remarks we have made are well grounded (and we have certainly no disposition to disparage either of the works mentioned), the appearance of a compend of history, more elementary than any preceding, cannot be unwelcome. We have, therefore, been induced to examine *Mr Worcester's Elements of History*, with attention, in the hope, that its contents would vindicate its title. His well earned reputation, in works of a kindred sort, justly excited an expectation concerning its merits, in which we are not disappointed. Though at first sight it may

appear to be too small, and too limited in its details, yet it will be found to contain a great mass of facts; for it is altogether historical, and shows that the author keeps in view the boundaries, which separate history, as well from geography, as from biography and travels, except so far as the ground is necessarily common. Geography is unavoidably connected, in some degree, with history; and in such a manner, that it has been significantly called, no less than chronology, one of the eyes of history. Mr Worcester, therefore, came to his new task with peculiar advantages, which will be more distinctly perceived, when we come to speak of the Charts, which accompany the History.

Historical truth is obtained frequently with great difficulty. In modern, and even in recent history, much critical discrimination, no less than unceasing fidelity, is often required to separate the true from the false. But in ancient history the task is vastly greater. The real and the fabulous have come down to us so mingled, as to demand the severest exertion of judgment to distinguish them. If, however, the object of history be not something more than amusement, or something different from instructive fiction, the labor of distinguishing them would hardly be repaid; and the credulity or want of discrimination, which mark the ancient history of Rollin, and which caused him to admit into it so much exaggeration, and so much of fictitious story, are not deserving of censure. But as a main object of history is truth, we cannot but commend the severity of Mr Worcester's judgment, by which he excludes from his elements of ancient history, what in his estimation is fabulous, or gives the necessary cautions against receiving it for truth.

It will be thought by some, perhaps, that this work is too partial in its extent, and that, in modern history particularly, it should embrace all the principal states and empires; giving to each a proportion of space corresponding to its relative importance, instead of confining its details to a few, whose history is the most interesting. This apparent defect, however, is supplied in a great measure by the Charts, in which is embraced a vast deal more than, from a cursory survey of them, we should be led to conclude. The foundation is therefore laid for an elementary history far more extensive, which the author can hereafter build upon, if it should be demanded. In the mean time, the pupil, who shall become possessed of all the facts which are here offered him, will have made no small advances in historical

knowledge. These facts are presented also in an engaging manner, not only in the charts, which assist the memory, by forming a kind of picture of history for the eye, but also by the style in which the *Elements* are written. It is a style uniformly neat; without effort or perceivable ambition; without exaggeration from the use of superlative epithets; and unpolluted by any gross expressions. At the same time, it does not want for vivacity, and as far as we can judge for our juniors, we should expect to find the book read with great interest by them, and to be well understood by all, who are capable of entering on the study of history.

Connected with the Elements are nine large folio charts, comprising historical facts, combined with chronology, in such a way, that the great outlines of history may be learned with far greater facility, and by the power of association will be more permanently fixed in the memory, than in the ordinary method. There is no forced analogy, in this respect, in comparing them with maps in geography; the chart giving nearly the same kind of locality to persons and things, as the map does to places. Single charts of history and biography have been more or less used for many years; and valuable collections, like that of Le Sage, have been published in a manner much too expensive for general use; so that Mr Worcester is the first, who has given the American puhlic an opportunity to try this mode of instruction to any great extent. We have carefully examined his charts, and are fully persuaded of their great utility, and of their general correctness.

One great excellence of these charts is, that, when studied with the Elements, they will enable the pupil to attend at once to the connexion of time and subject, and thus remove a great difficulty, which has always been experienced in the arrangement of general history. By means of the charts, the author has been enabled to devote his book to the more important parts of history, and to some topics particularly useful in an introduction to the study. He has also avoided the necessity of incumbering it with dates, to any considerable degree, and been enabled to trace a regular and uninterrupted outline of those empires or states, a knowledge of which is most important or interesting to the mass of readers and pupils in our own country. By presenting the whole skeleton of history (if we may so speak) in the charts, the necessity of treating of the minor states, in the book itself, is for the most part unnecessary: for by inspecting

the charts, one may see when and how long these states flourished; their rise, progress, and fall; and what states were contemporary with each other.

The first of these charts is perhaps less original in its construction and plan, than any of the number, being, except in the ecclesiastical part, much like those of Priestley and Bailey. As a whole, they manifest great ingenuity of contrivance, and convey as much knowledge, and in a way as intelligible, as we can conceive that this mode, striking as it appears, is capable of conveying; and being bound separately from the Elements, and accompanied by questions adapted to the use of them, they can be studied by themselves, or in connexion with any compend of history.

The best method of teaching history, as well as geography, is a subject, which has been much agitated of late; and though we cannot give an opinion upon it from actual experience, yet we shall here advert to it for a moment, before closing our remarks. One of the most useful directions for facilitating the study of history, according to Dr Priestley, is to begin with authors, who present a *compendium*, or general view of the whole subject of history, and afterwards to apply to the study of any particular history, with which a more thorough acquaintance is desired. This always appeared to us rational, and we have not, till recently, been aware, that pupils, who were disposed to learn at all, revolted with any disgust from the course thus marked out. But from a fanciful analogy, as it seems to us, between the inductive method of reasoning in metaphysics and intellectual philosophy, and the way of pursuing various arts, it is strenuously maintained by some, that in history, as well as in everything else, the learner must begin with what is nearest to him; that he must commence with his own little precinct, as the centre of his circle, and pursue the radii and concentric circles, till he has compassed our whole sphere. Now this may be very amusing in its commencement, both to the instructer and to the pupil; but as to its practical superiority over the common method, if it is expected to be carried forward to its full extent, we are wholly incredulous. Even in geography, in regard to which the plan is more intelligible, we cannot perceive its use beyond the merest incipient state of instruction, certainly not as a substitute for the mode of teaching by approved books and maps. In history its use must be still more limited. Everything, however, in the shape of history, recent,

near, or remote, may be subsidiary to one's progress in the knowledge of it, and the pupil may come to transfer the interest, which he feels in particulars, to the general study. If what we have now admitted, be anything like, or nearly the same as what is intended by the projectors of reform, in this part of education, then it is unreasonable in them to talk so much and so loudly against the books and modes of instruction in present use. But if much more is intended, it amounts to an innovation, as it seems to us, wholly groundless, and altogether hopeless as to practical improvement. We have seen no books formed on the plan proposed, to any great extent, for not even the geography of Pestalozzi has much to do with such a plan; and apart from his definitions, and we approve of a liberal use of definitions, we can see nothing in the work, which claims a remarkable share of praise; and as a whole, it is very far from being attractive. Oral instruction, which is brought into view in the system of which we are speaking, is very agreeable, and has some great advantages; but they are such pleasures and advantages as few have the means of enjoying to any great degree. Be they ever so great, however, this kind of instruction cannot supersede, nor is it desirable that it should, in any stage of education, the use of books. Certain it is, that oral instruction in the arts and sciences, can never become general, till the return of the patriarchal age, when every parent shall be able to teach all, that it is important his children should learn.

We do not fear, therefore, for our reputation, in recommending Mr Worcester's History for what it claims to be, an elementary book; and besides its general excellences, which we have mentioned, it will impart much information, not commonly found in treatises of this kind, which a young student needs to be furnished with; such as the antiquities of Greece and Rome, mythology, religion, and literature.

Art. III.—*Practical Observations upon the Education of the People.* By Henry Brougham, Esq. M. P. F. R. S. London. 1825. 8vo. pp. 33.

The edition of this interesting pamphlet, which is now before us, and which was published last year, is the tenth; but we

believe, that before the end of the year the editions had been multiplied to nearly three times that number; and we are given to understand, that the Observations have in the same time been most extensively circulated throughout Great Britain in reviews, journals, and newspapers of every description. Or if any exception is to be made, it is a circumstance that does not diminish, but rather increases the interest and importance of this statement. That there should be men to take alarm at the universal spread of knowledge; that there should be powerful, nay, respectable journals setting themselves in array against this object, only shows how strong is that cause, against which such an opposition avails so little. This hostility, however, concerns us not, except as a matter of information and of regret. Nor would it much disturb, if it did more nearly concern us. For it may as safely be said of knowledge as of truth, since it is, in fact, but saying the same thing, that it 'is strong and will prevail.'

The cause of human improvement, of human nature, has gone too far, the hope of it has become too strong, to allow despondency. The single fact, that a publication like the one before us, has, in England, gone through nearly thirty regular editions in a year, and as many more in quotations and extracts, stands, with us, against all other facts. It stands against whatever is stronger than facts, against all obstacles, however deeply laid in the foundations of prescription, and strongly built in the battlements of power. There is a movement in the great mass of society, to which all such obstacles must yield, or by which they must be swept away.

But we do not intend to enlarge on this subject of general improvement, about which so many pens are engaged, indeed, that it can scarcely fail of being understood for want of being discussed. We do regard this excited and universal attention to the subject, however, this quickened and earnest spirit of the age, as the pledge of great things. It will fulfil itself. But that it may do so with the greatest success, it is desirable, that every people should bend its first attention to the correction of its own errors, to the remedy of its own abuses, and to urging forward its own improvement. We are willing to consider ourselves as pledged to perform our part, as reviewers, in this great work. We believe there is much to be done, and, most of all, in what may be considered as the very elements of this business, the *education of the people.*

It will not be doubted, that the subject of education, at large, among the many subjects that have engaged the minds of men for the last three hundred years, has come late for its share of attention. The pressure of political tyranny, or of ecclesiastical domination, has compelled men to inquire into their civil and religious rights. Curiosity and the love of research have urged them to penetrate far into the fields of science and intellectual philosophy. The natural growth of taste and imagination has developed itself in the arts and in literature. But the science of education has been one of less obvious utility or attractiveness, or of less urgent claims upon attention. Men could live, could defend their rights and opinions, could amass personal acquisitions and pleasures, without any of this science. And in the nature of things, they would regard a present interest, which was their own, more than a future one, which concerned their children.

In conformity with these remarks, we find that the subject of education has elicited fewer books, than any other great subject affecting human welfare; fewer than law, medicine, politics, or religion. Fewer, did we say? There is really no comparison between the cases. While there are books on these and other subjects, so many, that the world can scarce contain them; while in foreign countries alcoves, and halls, and mighty structures groan with the weight, some of one hundred, and others of five hundred thousand volumes in a library, you may wander through them all, and find but here and there a thin, neglected, and, very likely, superficial book on education. And this deficiency, moreover, indicates another; a deficiency of interest on this subject, in the public mind. For it is in this, as it is in other things, that a demand, a market will procure a supply. If there had been readers, or those who wished to be such, there would have been writers. And even now, when this subject is attracting an increased attention, there are, and there are among reading parents too, but few, comparatively, who read and inquire earnestly on the best methods of education. Voyages, travels, poems, novels, good things in their place, provided they are good in their character, but these accounts of other, and often fictitious beings and scenes, are more attractive to the most of us, than those discussions, which lead us to contemplate in every light, that interest and duty can present, the beings and scenes of our own home.

It is an encouraging omen for the coming age, that the num-

ber both of writers and readers on education is increasing; that many powerful minds are directed to this subject, and that the public attention is beginning to awake; that parents and guardians are making more liberal appropriations of their property, and that men of the highest talents and education are taking up the professed business of teaching youth, not only in our universities and colleges, but in our lyceums, academies, and schools; and that their toils, morever, in many cases, are better compensated than any other intellectual labor in the country. These combined circumstances, connected as they are with the free institutions and fortunate auspices of our national condition, give rise to indefinite expectations of improvement, both in the principles and in the modes of education among us.

In this state of things and of the public mind, we feel a warrant for undertaking to point out some features of that improvement, which the age is demanding; which, in fact, is already taking place, and which, we are sure, will be more fully developed in our systems of instruction. Our language almost involuntarily takes the form of hope and promise; but we give fair warning, that we have to speak of faults and evils, which have prevailed, and still too much prevail, in our systems of education.

We have only farther to premise, that we shall confine our remarks chiefly, if not entirely, to the education, not of scholars, but of the body of the people, to popular education; to studies, that are pursued in the English language, whether in our common, or grammar schools, or our academies, or our female schools generally. There is another department of popular education, however, distinct from these; and in treating of it, we shall avail ourselves of the valuable information and the judicious remarks, which are thrown together in Mr Brougham's pamphlet.

Let us add, that, as we have proposed the humblest scene of education, we shall content ourselves with some very plain and obvious suggestions, such as all will admit, though but few apply them; for such, on a subject like this, are likely to be at once the most just and the most useful.

The first thing to be required in a system of popular instruction, is, that it should be intelligible; that children and youth should understand what they learn. Understand what they learn? it may be asked; What else can they do? We answer, that they may commit it to memory, may recite it, may even make a

fair show of knowledge, and yet know nothing. 'Understandest thou what thou readest,' or what thou sayest? is the hardest question, that can be put to the old inquirer, and to the guarded and cautious controvertist or disputant. But to most children, in regard to much of what they have been taught in the prevailing systems of education, this would be a confounding question. We have not the least hesitation in saying, that two or three years, in the education of almost every individual in this country, have been thrown away upon studying what they did not understand. What, for instance, can a child from seven to ten or twelve years old understand of the science of grammar? It is one of the most abstruse and profound of sciences, involving an analysis of thought, and the most delicate discrimination of it. Language is the instrument of thought; and if a man cannot comprehend an instrument of merely mechanical power; if he cannot comprehend the principles of a steam engine, without some acquaintance with philosophy, shall he expect with more ease scientifically to comprehend the great instrument of intellectual power? It may be said, that this comparison is against us; that a man may understand the use of language without investigation, as he may understand the use of a steam engine without philosophy. But to this we have a ready answer. Every child learns the use of language, and he obtains his actual use of it, whether correct or incorrect, not from the pages of a grammar, but from actual life, from conversation, from reading. And one of the evils of this system is, that the child imagines, that by the new names he gives to words, as verbs, nouns, &c. by a parade of definitions, and a routine of parsing terms, he is making great acquisitions of knowledge, while in fact he is learning nothing.

In these remarks, we intend not to reflect on intelligent teachers of youth. They are obliged, to a certain extent, to go in the beaten path. Popular custom requires this study to be pursued, at a certain age. There is a mystery hanging about it, to the eyes of most parents, it is true; they have not the slightest conception of any use there can be in it; but there is a vague and indefinable impression on their minds, that grammar is something very important, and indeed essential. The child is, therefore, sent to learn it; and perhaps is chastised for his dulness and reluctance; while, in fact, by this very dulness or reluctance, by this unwillingness to learn what he does not understand, he is often giving the best proof of good sense and brightness of parts.

The improvement, then, which we confidently expect on this subject, is, that it will be postponed to a later period in the course of education; that it will be accompanied with more reading, writing, and reflection; and, that it will then be taught not as a mere set of rules, which every child gains from actual conversation, but that it will be taught as the science of language.

We might easily add to the number of subjects, either in themselves unintelligible to children, or rendered so through the mode in which they are communicated; but, as we shall have occasion, under another head, to animadvert upon several of the branches of common education, we shall only refer for the present to the books in which the art of reading is commonly taught. They are made up, in general, of the most splendid passages of our eloquence and literature; passages, whose force and beauty, the body of adult readers but very vaguely apprehend, and which to children are often perfectly mysterious. We still remember the strange ideas, which, in our early days, we had of these passages, and the ridiculous blunders in reading them, which used to pass on from year to year in that venerable place, the school house. We are sure, that for most of the children in our common schools, yea, and our grammar schools, and academies, the finest and most highly wrought compositions of our language are not the proper readings. The monotonous, we had almost said, the idiotic vociferation, with which these passages are bawled out in our schools, abundantly shows, that they are the worst possible lessons for the youthful learner. They are not understood; and not being understood, they induce those false habits of reading, that monotony and sing-song, from which even our educated men and public speakers but too rarely escape. Now, if there were substituted, in place of these elaborate compositions, familiar narratives of the most common events, and especially such easy and spirited dialogues as many of Miss Edgeworth's, we believe it would be as impossible for children to avoid the right tone, as it is under the present system found impossible for them to attain it.

The same remarks may also be extended to the indiscriminate reading of the Scriptures in our schools. Without entering at all into the question of the moral bearing of this practice, we may observe, that there is a considerable part of the Scriptures, and even of the New Testament, which children cannot comprehend; and therefore, on every account, that nothing but

the most carefully selected portions of our sacred books should be introduced as reading lessons.

Shall a child, then, it may be asked, attend to nothing, that it cannot understand? We answer, to very little or nothing. What possible use would it serve? It may be thought, that for a boy to study the grammar of an unknown language, is studying what he does not understand. But certainly not. He understands, if he is properly taught, that the grammar, which he is learning, is a description of the unknown tongue, that he is to study. The child, in this case, therefore, no more commits to memory what he does not understand, than an adult, than the most learned professor of languages. But is there not much in the commencement of every study and science, that is necessarily unintelligible? We say decidedly, that there is not. If we are wrong, we will stand corrected by those that are wiser. We do not believe in the doctrine, nor in a part of it, that it is necessary to the process of learning, to lay up in the memory words without meaning. The first principles of every science may have bearings and relations, indeed, which the learner does not understand; but he does, or may understand all that is intended for him as a learner; all that is necessary for him, in order to proceed intelligently in his study. Take, for example, the axioms of the mathematics. Are they not intelligible? The very science proceeds on the supposition, that they are understood. Take the definitions of any branch of study, and if they cannot be understood, we desire to know, what is the use or purport of a definition? After knowledge may undoubtedly throw further light on these definitions, and axioms, and first principles; but they are, at the outset, or may be, comprehended to a certain and sufficient extent. We are not required to admit, therefore, what, after all, is a mere solecism, that a child must learn what he cannot understand.

The evils, which have resulted from this defect in education, are of the worst kind. The loss of time, already alluded to, is the least of them. Nor is even the loss of knowledge the greatest of them. For the very disposition to know, the very desire of acquisition is taken away. Much of the ignorance of the community is to be traced to this kind of learning. How many dull scholars, too, have been made so by unintelligible instruction. The abused mind still gives this testimony to its intrinsic dignity, that it cannot be interested in what it does not understand. Words, that neither teach nor signify anything to

it, must be dull; they ought to be dull. It is, and it ought to be, a dull business to commit them to memory, and to repeat them, though with ever so much fluency and eclat. This attending to words, without comprehending their meaning, also fosters a habit of indistinctness, a want of discrimination of mind. It creates a mental unfaithfulness, and something bordering certainly on moral dereliction. There cannot be a worse habit for the mind, if not for the heart, than to be content with an equivocal, half way knowledge of what is studied, or read, or heard. It is fatal to thorough scholarship; it is injurious to practical good sense; it is a species of injustice to the mind, and almost a swerving from conscience. We are prone enough from our natural indolence, to rest satisfied with superficial knowledge; but we add to this propensity the influence of a negligent and superficial education. And yet, perhaps, nothing so puffs up the mind with a notion of its acquisitions, as superficial knowledge. No person is so self complacent as the fluent repeater of unmeaning words.

But we must not dwell longer on these evils. Let us hope, that they will soon be remedied, that books of elementary instruction will be simplified, as some of them already have been; that education will become less scholastic, less artificial, less a matter of imposing formality, and more a business of real understanding; that the capacity and aptitude of children will be more consulted in the appropriation of their studies, and that their minds will no more be stupified and disgusted with laborious and fruitless application to subjects beyond their reach and comprehension. The human mind is fitted to be interested and delighted at every step of real progress in knowledge. And when this progress is made, it will be found, that the simple delight of learning will surpass and supersede all the lower influences of fear, jealousy, and emulation. And this of itself, if there were nothing else, would constitute a new and grand era in education. But we find that we are entering on another subject, that belongs to the course of our remarks.

The second thing, then, to be demanded in an improving education, is, that children and youth should be more interested in what they learn.

The dulness of our schools is proverbial. The weary task, the irksome lesson, is what most persons probably remember as having tried their utmost patience. Enter many of our schools, and, unless an approaching examination, or a contested medal

has called forth the spirit of zealous rivalship, what languor and listlessness meet you on every side. How many vacant faces, and heavy attitudes, and sluggish movements. How many indications that everything is done because it must be done; that almost every learner is held to his seat, not by inclination, but by necessity; that if the restriction were taken off, they would fly from the walls of the school room, as they would from the walls of a prison. And now suppose they were released, and that you should follow them to the play ground. What an instantaneous and total metamorphosis would you witness. What life and spirit; what eager faces and bright eyes; what delightful animation. And is it true, then, that man is naturally more an animal, than an intellectual being; that he was made to be more interested by sports and feats of physical strength and skill, than by the intense and exquisite pleasures of knowledge? For the honor of human nature, we would not admit the idea; and, in truth, we do not believe it. There are instances, and there will be more, where the school room calls forth the most active and delightful exercise of the faculties, and is resorted to with as much eagerness as the most fascinating sports of childhood.

This step, in the course of an improved education, will naturally follow the one already mentioned. Let children understand, and they will be prepared to be interested. But this is not all. They must be taught what is naturally fitted to interest them, and they must be taught it in a manner suited to gain this object.

And here we shall venture to call in question much that is taught in many, even of the better sort of schools, on the ground of a deficiency in one of these respects, that is, of its being uninteresting in the matter, or of its being made uninteresting by the form in which it is presented. Of this latter class are many of the English studies, that are pursued in most of our schools, and especially of our female schools. They are not uninteresting in themselves, but they are made so. Arithmetic, geography, history, as they are commonly taught, are to most learners extremely wearisome and dull; that is to say, these studies are not interesting for their own sake, and they can be pursued with interest, only by means of stimulants quite foreign to the love of knowledge. It is impossible, that a body of mere abstract facts, without any relation to the grounds or reasons of them; without any relation to human nature or human life; without any obvious

relation to practical utility or personal improvement; it is impossible that such isolated facts, however true or important, should be really interesting, any more than the definitions of a dictionary, or the events of a table of chronology.

It has been remarked by Dugald Stewart, that the amount of our knowledge does not depend on the number of ideas we have, but upon the number of *relations*, which we perceive between them. But many people imagine, that there is some absolute and singular good in certain ideas, in certain, though most inconsequential and useless statements, because they are set down in books; because they are what is called learning; and perhaps, also, because that most precious of all things, money, is paid for their acquisition.

Now what pleasure, we beg leave to ask, what interest can be taken in the hundred rules of arithmetic, if not one in ten of them is ever to come to any use, and still fewer of them are ever understood in their principles; that is to say, are ever demonstrated by the learner? What statement of particulars can there be so barren or so trivial, that it is not equally entitled to interest and delight the mind? There is some intellectual effort elicited, it is true, but it is, after all, but a misdirected and vexatious toil. As to geography, there is indeed a satisfaction in being acquainted with foreign countries; there is a charm in the descriptions of noble rivers and mighty cataracts; of green and cultivated fields, and majestic forests and mountains; of flourishing kingdoms and splendid cities; and Malte-Brun has shown us, that a charm may be given to these descriptions even in a book of geography. But geography, as it is commonly taught, is divested of most of these attractions. It is reduced to a matter of geometrical survey; of lengths and breadths; of latitudes and longitudes; of heights and distances; dry statements of population and produce. We do not deny, that something of all this should be learnt; but it should be as little as possible, and always on a system of comparative geography. With regard to thick and crowded compendiums of history, we have really no patience with them. They are, and they ought to be, insufferably tedious. History is interesting, not as a collection of naked facts, which may be aptly repeated at an examination, and remembered, perhaps, the day after, and then, from the excessive and irksome load, which they lay upon the memory, necessarily and gladly forgotten; but history is interesting, as it spreads before us a mighty scene of human conduct, unfolds its springs,

and traces out its consequences, displays the character of the actors, with something of the detail and interest that belongs to biography; and thus touches and quickens the moral sentiments of our nature. And here again we allow, that something of the nature of compendiums is needful; but we are confident, that they should go but little beyond chronological and historical charts; landmarks to show the inquirer his course, his relative position, and his progress.

It will be easily seen, that we would not have the branches of study, on which we have ventured to bestow these strictures, neglected. We would have them pursued in their place and measure; and we will, in a moment, endeavor to state our views on this point.

But on the subject of studying rhetoric, or the rules of composition, we are obliged to doubt entirely. We should say, that rhetoric, considered as a set of rules, would be better learnt from reading; and that rhetoric, considered as the philosophy of language, is beyond the comprehension of almost all the pupils in our schools. The philosophy of rhetoric, however, is not attempted to be taught in them; and as to the rules, we believe they would be better learnt, if the time usually devoted to them, were given to reading the authors, who best illustrate them, and to composition. And we would recommend this latter practice, particularly to our female schools, since it would help, more than any other means, to correct what is considered as the most common fault in the female mind, the want of logical discrimination.

Upon the whole, then, in fixing the proportion, that should be observed in the different departments of education, we should assign a much larger place than is commonly given, to the study of nature; that is, to natural history, chemistry, natural philosophy, and astronomy. The earth, its structure, the substances of which it is composed, together with their mutual relations, and their action on each other; its minerals, plants, and animals; and then its connexion with other planets, and with the system of the universe; these would be inexhaustible sources of interest to the learner. These, in their elementary principles, together with languages, and, along with these severer studies, accomplishments in the arts of reading, writing, music, and the like, might occupy the early years of education. At a later period, accomplishments of a more intellectual kind, as history, rhetoric, and matters of literary taste, might be introduced.

It may be thought by some, that these objects would require a life of study; and, carried to their fullest extent, they would. But we speak of them only in their elements, especially the subjects of natural philosophy; and we are persuaded, that half of the children in the country might, to some valuable extent, pursue this course of education; and that, with the exception of languages and the higher accomplishments, the other half might. Let them only begin right; let them learn nothing that they do not comprehend; let them be interested in what they learn; let them feel the excitement of curiosity, and have their faculties put on the stretch with the love of knowledge; and we believe, that a new race of children would rise up among us. Let a few simple, and they might be cheap, instruments and apparatus be introduced into our school rooms, for developing the beauties and wonders of nature, and let them be judiciously applied to this purpose; and instead of the barren minutiæ of geography being committed to memory, let the great features of it be surveyed with the aid of good maps, and drawings of cities, and of curiosities, and let interesting portions of history be combined with the study of different countries; and, instead of a multitude of tedious rules of rhetoric, let works of taste be read, which exemplify in fact all the rules of good writing; let all this be done, and much more of the same kind, and the school room would become one of the most interesting spots in the world. But let the business of education be a business of learning names and dates, and barren rules, of studying grammar before it is comprehended, or the abstract principles of rhetoric, which are turned to no account or use, or wearisome compendiums of history, or technical maxims of arithmetic, or the petty localities of geography; let all this be, and schools must be dull. Children may study, from the love or fear of their parents or teachers, from a desire of respectability, from rivalship, but not from the love of knowledge; and wanting this motive, their minds will be too apt to rise only to mercenary exertion, or to sink down into a miserable apathy or disgust towards all learning, towards books and everything connected with them. Finding no proper vent for their energy, and nothing in study to interest them, they may give their spirits chiefly and heartily to play, to rude tricks, and vulgar entertainments.

The fault here alleged is not to be laid to the charge of the intelligent teacher of youth. He is often obliged to go in a certain track; he is often engaged to teach certain branches,

and children are sent to him expressly to learn them. The compensation that is afforded him, also, is in most cases so low, that he is compelled to receive more scholars than he can well teach; and, from the same cause, he is unable to procure the proper means and apparatus for instructing youth. The remedy for all these evils, therefore, can be applied only by the community. And to the community, we beg leave earnestly to commend this subject. It is a subject nearly touching the duties and the interests of society, and therefore worthy to be urged at all times, and through every medium of communication. The press of an intelligent and improving community ought to be considered as pledged to this cause.

The third thing to be desired in a system of popular education, is, that it should be more practical. This step will naturally follow the two preceding; for if education is more intelligible, and more interesting, we may presume it will be more practical; that is to say, it will be directed to purposes of more obvious and real utility.

It will be directed, in the first place, more to the culture of the mind, to the improvement of the character. It will be less an exercise of memory, and more of reasoning. For a child or youth to load his mind with thousands of rules, principles, and facts, will be judged to be of less consequence, than for him to reason on a few of them. The studies of the school and the college, instead of being looked upon as the ultimate point of attainment, will be regarded as the preparation, the furnishing and sharpening of the mind, for further discoveries and acquisitions. How quickly the books and studies of the school are laid aside, when the school is left, we all very well know; and this shows, that they never had any strong hold on the understanding, nor any obvious connexion with improvement.

The other respect in which education should be more practical, is, that it should more directly fit men for the actual business of life; or, to say more exactly what we mean, it should give to the business of life a more intellectual character; mingling thought and reasoning with it; guiding its labors, not by artificial rules, but by intelligent principles. Thus, a man may pursue the business of a mechanic, and may, without doubt, safely enough guide himself by certain rules, though he does not understand the reasons of them; or he may be a farmer without understanding anything of the nature and combination of different soils, or the chemical principles that are concerned

in their improvement; or a man may traverse the ocean by the help of instruments and calculations, about the philosophy of which he knows nothing; and, certainly, with this blind adherence to rules, a man may be a good mechanic, or farmer, or navigator. But how much would it raise him in the intellectual scale; how much thought and reflection would it mingle with all his pursuits, if he did enter into this philosophy and reason of things. His daily labors would involve a constant exercise of intellect; and he would be, on all subjects, a more intelligent man. He would acquire a habit of looking into the reason of things, and this habit would extend to everything.

Nor let it be thought, that the acquisition of the necessary knowledge would be a Herculean task. The requisite study of nature, and of the laws of nature, may easily be simplified, so as to be brought within the comprehension of youth, and within the time ordinarily allotted to a common education among us. The application of science to the business of life is an object, which has already interested some intelligent and patriotic individuals, and two or three schools have recently been founded in this country for this specific purpose; and it cannot be doubted, that more of the same kind will soon be established. To some projects of this kind, that have been recently brought before the legislature of Massachusetts, we cannot help taking this opportunity to give our most hearty wishes for their success. Labor need not be a mere mechanical or corporeal drudgery. It may be accompanied with a perpetual exercise and improvement of the intellect. It may be accompanied with the study and love of nature, and with increasing discoveries of the wisdom of its laws, and the wonders of its operations; while, with these, every domestic affection, too, and every religious aim may mingle, to relieve, to exalt, and to hallow the toils of life.

Nor would those only, who are engaged in laborious employments, feel the benefit of an improving education, but the men of more leisurely and sedentary pursuits. It has been, we can hardly say to the reproach, but certainly to the disadvantage, of our merchants, and men of the learned professions, that they have been too much mere men of business. This is rapidly changing; and it will yet more change. Not that they will be less men of business, but more men of reading and study. Trade will be more and more understood, not only as an affair of barter, but as a subject of science. Its relations to society, to government, to national improvement; its connexion with the

interests and institutions of foreign countries, and with the laws and political economy of our own, are subjects, which, if our merchants do not want the inclination, they will not want the leisure to pursue.

We expect much more, too, from the liberal professions. Trained in childhood to the love of knowledge, animated in later years with the love of learning, the lawyer, physician, and divine, not indolently content with what they must know, will push their inquiries into the fields of liberal investigation and elegant literature. There have been but too many quacks among us, not only in medicine, but in law and in divinity; too many mechanical drudges even in what are called the learned professions. We confidently expect the time when these professions shall better deserve the name of learned.

But it will be thought, that we have forgotten the pamphlet, whose title we have placed at the head of this article, and have only taken occasion from it to make a pamphlet ourselves; and we will not deny, that we have been more concerned to follow out the spirit of it, than to quote its details. We remarked, at the commencement of our observations, that there is a department of popular education distinct from the schools; we referred to the education of *adults*. It is to this, that Mr Brougham's observations chiefly relate.

There are now springing up in various parts of England, associations of mechanics and apprentices, by whom not only libraries are collected, but lectures are established; and bodies of intelligent artisans are found in a considerable number of towns and villages, spending one or two evenings in the week together, conversing on the principles of their respective arts, or listening to the illustration of them from an able lecturer, and he, too, in many instances, one who has risen up from among themselves. This example is beginning to be followed by some of our own cities; and we see not why it might not be extended to our villages, and even to very small villages of a considerably dense population, and why our farmers and manufacturers, as well as mechanics, might not unite to form similar institutions.

The utility of such institutions will not be doubted; we would ask, why their practicability is any more questionable? Let ten or twenty mechanics or farmers in any of our villages unite, and consent to appropriate six cents a week from their income, and they will soon have a valuable collection of books;

others will join them, and their collection will swell into a library. With a little increased exertion, they may, during three or four of the most leisure months of the year, have a course of lectures. The expense, in such a country as this, ought not to be any serious objection. If it is made such, with any, let that objection be put to shame by the example of their English brethren. Nay, let it be put to still greater shame, by a survey of the actual and superfluous expenditures of the community. We will name but a single item. We ask but for what the show man carries off from our villages yearly, to establish libraries and lectureships.

We cannot leave this general subject of popular education, without saying something, in fine, of its bearings on the spirit of the age, and the situation and prospects of our country.

There is at this day an unprecedented developement of mind, and most of all unprecedented in its extension to all classes of the people. We cannot say, that we look without apprehension upon this excited mass of public sentiment, that is rising from the lethargy of centuries, like the sea from that deep, long, and unnatural calm, which precedes its most violent convulsions. From the free and inquisitive spirit of the age, we believe, that there is much to hope. We believe, that politics, religion, and the wisdom and welfare of life have much to hope; but we seriously apprehend, too, that they have something to fear; and the only chance of that glorious issue of the present state of things, to which the quickened and enthusiastic spirit of the age is looking, depends on the sound culture, and wise direction of the public mind.

'The question,' says Mr Brougham, 'no longer is, whether or not the people shall be instructed;' whether or not, we might add, in this country, they shall think and inquire with freedom and boldness; 'for that has been determined long ago, and the decision is irreversible; but whether they shall be well or ill taught; half informed, or as thoroughly as their circumstances permit, and their wants require. Let no one be afraid of the bulk of the community becoming too accomplished for their superiors. Well educated, and even well versed in the most elevated sciences they assuredly may become; and the worst consequence, that can follow to their superiors, will be, that, to deserve being called their *betters*, they too must devote themselves more to the pursuit of solid and refined learned.' p. 32.

But the subject of popular education is one of greater mo-

ment to us in this country, than to any other people. Education, and the education of the people, too, is the hope, not of our improvement only, but of our existence. It stands, with us, in the place of everything that makes other governments strong. It stands in the place of the Establishment, of the army, and the sacred throne; it is the order, and defence, and power of the nation.

We look upon this nation as making a momentous and perilous experiment on free and popular institutions; nor is it to be thought, that the experiment has yet gone beyond the point of danger. It is certain, and it cannot be too often repeated, that such institutions as ours can have no permanent standing, but on the basis of knowledge and virtue. The charter of our privileges is our national character. It was this, that bought them when our strength was not in sinews, but in brave hearts; in the spirit of men, that were resolved to 'do, or die.' If other nations cannot attain to the same privileges; if Spain, and Portugal, and Italy cannot be free, it will be because the spirit of intelligent, virtuous, and courageous freedom is not in them. Let our people swerve from this, and it matters little whether, in name and in form, they are freemen or slaves. Let our national character fail in the great trial, which it is passing through; let luxury and excess grow in our cities; let vice stalk abroad fearlessly in our villages; let our hardy yeomanry become indolent, inefficient, bankrupt in property, and more bankrupt in spirit; let our noble youth lose the principles of a virtuous education, and vie with each other in extravagance and revelling; and farewell to the dignity and the joy of freedom. Though the semblance remain awhile, the spirit will have fled forever.

Now, that our national character is improving, we wish it were easier to maintain than it is. No sober citizen certainly can look without concern, on the increase of luxury, and the fearful inroads of intemperance among us; nor ask, without solicitude, what is to stay their desolating progress? To say, that we want more virtue, is only saying, that we have too much vice; and is therefore only to descant upon the evil, which we wish to correct.

Of the means of correction for this grand national vice, but two things occur to us as at all likely to have any success. One is, to lay a tax on spirituous liquors, such as must exclude them from that common use, which now brings temptation to every man's door, every day and hour of his life. But to this the community

is not yet virtuous and highminded enough to consent; and hence the government will not venture upon a measure as impracticable, perhaps, as it is unpopular. Or, to state the case more truly, since, among us, the feelings of the people are represented in the government, the government has no inclination to do it.

The other means of prevention, and the only one, it appears, which is now open to us, is to educate, to enlighten, to exalt the public mind. Knowledge, reading, must supply those resources to the mind, which shall render it independent of meaner excitements. For why does a man resort to the intoxicating draught? Commonly, because he is unhappy without it; he wants something to excite or to entertain him. He sits down at home for an evening, and it is dull to him; he goes abroad for relief, and too often finds a relief, which is his ruin. Now let this man have been educated, not in the technical, artificial way, which too much prevails, but educated to the love of knowledge; let something of the science and mystery of nature have been opened to him; let interesting books have been provided for him; let him have been associated with others in the same pursuits; and he would not have found leisure a burden; he would not have found company a snare; he would not have found his home irksome. Life, with him, would have received a new impulse, new resources; and he would be proportionably raised above sense and matter, to intellect and virtue.

The hope of seeing communities thus educated, intelligent, virtuous, and happy, is one which we delight to cherish. We gladly go along, however cautiously, with this spirit and promise of the age. Visions of improvement, not of perfectibility, are before us; and though past experience seems to mock them, we will not believe they are dreams. The auspices of freedom, the tendencies of knowledge, the counsels of providence, the promises of Christianity, the hope of man, all forbid despair. Let our favored communities do their duty, and there shall be no place even for scepticism. Tell us not of difficulties, of obstacles, of expenses, in the way of rearing a wise, and enlightened, and righteous generation. Give us the refuse of the superfluous expenditure of the country, the fragments from the tables of luxury, the leavings of expensive entertainments and amusements, the cast off garments of sumptuous wardrobes; or store for us what excess consumes, and intemperance swallows in this land; and with these means, we could pledge ourselves to raise up a community, far more enlightened than the world

has yet seen. Let every man, moreover, give his own faithful personal endeavors, and we deem it not too solemn to add, his earnest prayers to Heaven, and here upon these shores of promise, shall be reared up a community as pure and happy, as it shall be intelligent and enlightened.

Art. IV.—1. *The Constitution of the Reformed Society of Israelites, for promoting true Principles of Judaism according to its Purity and Spirit. Founded in Charleston, South Carolina, sixteenth of January*, 1825. Charleston. 1825. 8vo. pp. 16.

2. *A Discourse, delivered in Charleston, South Carolina, on the twentyfirst of November*, 1825, *before the Reformed Society of Israelites, for promoting true Principles of Judaism according to its Purity and Spirit, on their first Anniversary.* By Isaac Harby, a Member. Charleston. 1825. 8vo. pp. 40.

We remember very few pamphlets of greater interest than these. It has, until lately, been supposed, that the minds of Israelites were so wedded to their religious peculiarities, as to be impenetrable to the spirit of innovation. Christians have been occasionally attracted by curiosity to the synagogue, and have observed in silence the singular rites and ceremonies, which are in practice there. But as long as there was so total a want of sympathy between the faiths of the two denominations, it was hardly thought worth while to animadvert upon the external modes of worship among the Jews, however uncouth and unreasonable they might appear. Little was it suspected, that in the bosom of that denomination itself, there were any who were so far surmounting the proverbial prejudices of their race, and so far imbibing the liberal spirit of the age, as to admit the possibility of improvement within their pale. Yet the publications before us are evidences of a spontaneous impulse towards a better state of things. The event, which they record, has been produced, neither by foreign nor internal violence or solicitation. What all the power and cruelty of all the potentates of Europe could never have wrung, by force or bribery,

from the persecuted remnant of Israel, is now taking place under the operation of far gentler circumstances.

Many of our readers are probably unacquainted with the existing mode of conducting the services in Jewish synagogues. We will just hint at a few of their most prominent peculiarities, which may be sufficient to illustrate the account and the extracts, that we shall presently borrow from the pamphlets whose titles are placed at the head of the article.

Upon entering one of these edifices on a Saturday, you behold the assembly seated or standing with their hats on, and generally wearing an air of much greater indifference, than is witnessed even among Christians, during the season of public devotion. The priest, with a few attendants, is stationed on a high enclosed platform in the centre of the floor. As an instance of the little interest, which is excited by the immediate business of the place, we recollect, that once, while we were fixing our attention on the intonations of the chanting priest, a highly respectable elder of the congregation arose and crossed the area, and taking his seat next us, began the discussion of a curious point of Hebrew phraseology; after which, he entered upon much more general conversation, leaving on our minds at last the impression of his being a polite and hospitable entertainer, rather than of what we know he really was, a devout fellow worshipper.

The whole of the liturgy is conducted in the Hebrew language, with the exception indeed of occasional portions, which, in some synagogues, it seems, are uttered in Spanish. This latter circumstance is considered an aggravated enormity by the new party for reform. These Spanish portions of the liturgy are employed only for a particular purpose, namely, to express the amount of *monies offered* for the benefit of the synagogue and its institutions, by the subscribing members; thus interrupting the prayers and worship with the fiscal concerns of the establishment, and that, too, in a language unknown to almost all present. Whether this is a practice in all synagogues, we are unable to say.

The ritual consists of readings and responses in a kind of chant, or recitative, enunciated frequently with great indistinctness and volubility, now sinking into a low murmur, and now rising into a kind of nervous and violent vociferation. All this, we should have been willing to confess, is necessarily ridiculous to none but those who are strangers to it, if we had not perceived by

the pamphlets under review, that it is regarded with mortification by many of those who have been, as it were, dyed in the very element of the system from their infancy and youth.

Owing to the rapidity of uttering the liturgy, it is generally finished in about three hours, though we are informed in an appendix to the 'Constitution of the Reformed Society of Israelites,' that if it were conducted with due solemnity, and in a slow, distinct, impressive tone, its length would certainly occupy the attention of the congregation from nine until two o'clock, if not later. During its repetition, the members of the congregation, except a few of the most devout, are seen coming in and going out of the synagogue at all times, and but a very slight check seems to be imposed upon the usual inclinations of the children. There is nothing in the shape of a discourse, or religious instruction of any kind, except, we believe, on a very few annual or occasional festivals. At these solemnities, some enlightened member of the body is called upon to deliver an appropriate English discourse.

We ought to remark, that that part of the liturgy, which consists in reading the portion of the laws, called the *Parasah*, is generally well read, devoutly, and emphatically. The rest of the service corresponds to the description given above.

In the hope of remedying these and other defects and improprieties, as they appeared to them, about a dozen members of the Hebrew congregation in Charleston, South Carolina, about a year since assembled and formed the Society, to which allusion has already been made. In two months, their number swelled to thirtyeight, and at the moment when we are writing, it exceeds fifty. Of the general character of the leading individuals, it may be sufficient to remark, that it is highly respectable. A petition was signed by fortyseven Israelites of Charleston, and presented to the vestry of the congregation. The following extracts will exhibit the principal objects of the memorialists.

'"Your memorialists seek no other end, than the future welfare and respectability of the nation. As members of the great family of Israel, they cannot consent to place before their children examples, which are only calculated to darken the mind, and withhold from the rising generation, the more rational means of worshipping the true God.

'"It is to this, therefore, your memorialists would, in the first place, invite the serious attention of your honorable body. By

causing the *Hasan*, or reader, to *repeat* in English, such part of the Hebrew prayers as may be deemed necessary, it is confidently believed, that the congregation, generally, would be more forcibly impressed with the necessity of divine worship, and the moral obligations, which they owe to themselves and their Creator; while such a course would lead to more decency and decorum during the time they are engaged in the performance of religious duties. It is not every one who has the means, and many have not the time, to acquire a knowledge of the Hebrew language, and consequently to become enlightened in the principles of Judaism. What, then, is the course pursued in all religious societies, for the purpose of disseminating the peculiar tenets of their faith among the poor and uninformed?

'"The principles of their religion are expounded to them from the pulpit in language that they understand; for instance, in the Catholic, the German, and the French Protestant churches; by this means the ignorant part of mankind attend their places of worship with some profit to their morals, and even improvement to their minds; they return from them with hearts turned to piety, and with feelings elevated by their sacred character. In this consists the beauty of religion; when men are invoked by its divine spirit, to the practice of virtue and morality."

'"With regard to such parts of the service as it is desired should undergo this change, your memorialists would strenuously recommend, that the most solemn portions be retained, and everything superfluous excluded; and that the principal parts, and, if possible, all that is read in *Hebrew*, should also be read in *English* (that being the language of the country), so as to enable every member of the congregation fully to understand each part of the service. In submitting this article of our memorial to the consideration of your honorable body, your memorialists are well aware of the difficulties with which they must contend, before they will be enabled to accomplish this desirable end; but while they would respectfully invite the attention of your honorable body to this part of their memorial, they desire to rest the propriety and expediency of such a measure, solely upon the *reason* by which it may be maintained."

'"Your memorialists would next call the particular attention of your honorable body, to the absolute necessity of *abridging* the service generally. They have reflected seriously upon its present length, and are confident, that this is one of the principal causes why so much of it is hastily and improperly hurried over."

'"According to the present mode of reading the Parasa, (Pentateuch) it affords to the hearer neither instruction nor entertainment, unless he be competent to read, as well as *comprehend*,

the Hebrew language. But if, like all other ministers, our reader would make a chapter or verse the subject of an English discourse, once a week, at the expiration of the year the people would, at all events, know something of that religion, which at present they so little regard."

'The foregoing paragraphs express the principal objects asked for in the "Memorial," signed by fortyseven Israelites of Charleston; and which was rejected by the Vestry, without discussion, or the right of appeal!' *Appendix to the Discourse*, pp. 33, 34.

This petition being rejected, the memorialists proceeded to organize themselves into a more regular form, and drew up the 'Constitution' of their society.* Still further to develope their wishes and views, we here extract a few of the articles.

'As soon as this Society finds itself able, it will educate a youth or youths of the Jewish persuasion classically in the English, Latin, and Hebrew languages, so as to render him or them fully competent to perform divine service, not only with ability, learning, and dignity, but also according to the true spirit of Judaism, for which this Institution was formed; and in the meanwhile, this Society will adopt and support, as soon as practicable, any person so qualified for the sacred office.'

'It shall be the primary object of this Institution to devise ways and means, from time to time, of revising and altering such parts of our prevailing system of worship, as are inconsistent with the present enlightened state of society, and not in accordance with the Five Books of Moses and the Prophets.'

'There shall be annually elected from among the resident members a committee of five, entitled a Committee of Correspondence, for the purpose of conferring and corresponding, at all times, when it shall be deemed necessary by said Committee, or a majority thereof, with the several congregations, or respectable individuals, or sections of Jews throughout the United States, Europe, or elsewhere, as to any assistance or cooperation, which they may be disposed to afford this Society in its future operations.'

'Any Hebrew, having attained his seventeenth year, and desirous of becoming a member of this Society, shall make application by letter addressed to the president and members. *Constitution*, pp. 4, 5.

It appears from the foregoing extracts, that the standard of separation is not as yet actually raised. Should the society fail

* The society was incorporated at the last session of the South Carolina Legislature.

of effecting the reformation in the *synagogue*, which they have at heart, it is understood, that their purpose is, by making personal sacrifices, and by soliciting subscriptions, to erect a new temple in Charleston, and to worship God in the manner which their consciences approve. They still hope, however, to escape this painful alternative, and by patience and reasoning, to prevail with the constituted authority, as well as the majority of the congregation, so that they may acquiesce in a peaceable, and at least partial improvement. How far innovation will eventually go, when once positively begun, we are unable to conjecture. We have heard it vaguely suggested, beside other things, that the new reformers among the Jews, both in this country and in Europe, have it in contemplation to remove their Sabbath forward one day, so as to make it coincide with the day of rest of the Christian. But nothing of the kind is hinted at in the documents before us, nor does it come from any authentic source of information with which we are acquainted.

Wishing for some details of information to present to our readers, respecting the existing state of this interesting people, we applied for materials to the author of the Discourse under review. They were promptly and kindly furnished; but although they were intended as materials, and nothing more, we are persuaded the reader will be much more gratified with them in their original form, than if manufactured and moulded over anew by the reviewer's toil. We give them, therefore, as follows, with very slight modifications.

'The number of the Jews in the United States it is difficult to arrive at with any precision. Such are the influences of habit and time, that while in the *old world*, under innumerable exactions and disqualifications, there are *six millions* of Israelites, there are, in these happy United States, not more than *six thousand*. I arrive at this conclusion, rather from comparative corollaries, than from any given and accurate *data*. Neither Ramsay, Mellish, Morse, Bellamy, nor any other writer, pretending to *enumerate* various religious classes, has thrown one spark of light upon the subject. In the New England States there cannot be more than three or four hundred in all; in Pennsylvania, about that number; in New York, about nine hundred and fifty; in Virginia, about four hundred; in North Carolina, about four hundred; in South Carolina, about one thousand and two hundred; in Georgia, about four hundred; in Florida, thirty or forty; in Louisiana, about one hundred;

and making a large allowance for the scattered and unknown, I think six thousand the *maximum*.

'Emigration is not so great now as it was formerly, except to New York. South Carolina had formerly the largest number of emigrant Israelites. Charleston alone had a congregation of six hundred. I think that Charleston has been stationary, in this respect, for the last twenty years, and that the city of New York certainly equals it, and soon will double it.

'Men, who reflect, go anywhere in pursuit of happiness. The immediate ancestors of the most respectable Jews in these United States came, some for the purposes of commerce, others for the more noble love of liberty, and the majority for both. In Georgia and in South Carolina, several honorably bore arms in the revolutionary war. My maternal grandfather contributed pecuniary aid to South Carolina, and particularly to Charleston, when besieged by the British. My father in law was a brave grenadier in the regular American army, and fought and bled for the liberty he lived to enjoy, and to hand down to his children. Numerous instances of patriotism are recorded of such Israelites.

'As to the descent of the Jews of the United States, they are principally German and English; though South Carolina has a portion of French and Portuguese. My ancestors came originally from Barbary, where my father's father enjoyed a post of honor in the palace of the emperor of Morocco, that of Royal Lapidary. He fled to England, and married an Italian lady. My father left England for Jamaica before he was twenty years of age. He afterwards settled in Charleston, and I think I may say, was among the first to set an example to his Jewish brethren, of giving a liberal education to their children.

'The synagogue in Charleston was built in 5555, *anno lucis* (Biblical, or rather Hebrew chronology, for both the Septuagint reckoning and the Newtonian differ from that of the Jews), corresponding to 1794 of the Christian era. The congregation had previously a small place of worship.* The society, which

* According to Dr Shecut's Topography of Charleston, the Israelites assembled as a religious society in that city, some time in the year 1750. As soon as ten men could assemble (which the Hebrew law requires for public worship), they provided themselves with a place, as suitable as their then slender means could command. They have at present an elegant and spacious edifice.

belongs to the synagogue, is called *Kahl Kadosh Beth Eloim*, 'The religious society of the house of God.' *Kahl*, or 'Society,' is the name of every Hebrew congregation. The present number of subscribing members to the Kahl Kadosh is about seventy, making upwards of three hundred persons, who are entitled to the religious immunities of the synagogue. The Reformed Society have fifty members, making with their families upwards of two hundred dissenters. The Jews born in Carolina are mostly of our way of thinking on the subject of worship, and act from a tender regard for the opinions and feelings of their parents, in not joining the society.

'The principal points aimed at by the reformers, are order and decency in worship, harmony and beauty in chanting, the inculcation of morality and charitable sentiments upon individuals, and the promotion of piety towards the Deity. In these things, the Society believes, consist religion, virtue, and happiness; in these, the salvation of every rational and immortal being.

'Although in France the rich Jews, generally, have little or no religion, yet in Bourdeaux the Israelites have built a handsome temple, sing with taste and music, preserve great decency and order, and have a portion of the liturgy in French. I have not been able to ascertain whether they sit *covered* or not. But I perfectly recollect being told, by competent authority, that the worship was solemn, affecting, and engaging.

'In Germany, where the civil (Christian) authorities interposed to prohibit several exceptionable ceremonies and practices, it was done at the request of enlightened Israelites.'

It is now time to notice Mr Harby's Discourse. The author is honorably known in the fields of literature, having published a successful tragedy, entitled *Alberti*, of which the style is more than commonly chaste, and the structure betokens no small dramatic ability. He for some time edited, in an able and indefatigable manner, one of the four daily papers in Charleston; another being conducted also by a gentleman of the same religious denomination, distinguished for the solidity and extent of his views in political economy, and occasionally by the felicity of his literary criticisms. Mr Harby's discourse will much increase his reputation. It is conceived in a fine spirit, and executed in a manner altogether worthy of the occasion. There is a solemnity, and a conscientious fixedness and elevation of purpose, apparent in the author's views. He has all the ardor and confidence of a reformer, to whom obstacles are stimulants

rather than discouragements. Though, in the capacity of an Israelite, he betrays a becoming sympathetic indignation for the past sufferings of his brethren, yet he seems to feel, that the name of American is rather a more precious patronymic, than one of antique and foreign origin. Cherishing a bitter hatred against the cruel excesses of spurious Christianity, he still has the candor and discrimination to separate it from the genuine spirit and precepts of the gospel. His passion for Christian literature, and susceptibility to the beauty of true Christian feeling, have softened his hereditary prejudices, but not affected his hereditary principles. He is a firm 'Jew inwardly,' but is willing to accommodate the 'Jew outwardly' to the conciliatory, compensating, and sacrificing spirit of the age. Some extracts shall justify our encomiums.

The following are the professed objects of the new society.

'What is it we seek? The establishment of a new sect? No; never. Let other systems of religion split into a thousand schisms; let other modes of faith present to your eyes the motley scene at which philosophy may smile, and true piety must weep; brethren, instructed in a religion of mercy, warring against each other by the arm of flesh, and the weapons of theological pride. Let these examples of human error be seen in other religions; but it is the glory and test of the Jewish faith, that its followers worship ONE GOD; that when they raise their hands to veil their eyes, and repeat, "Hear, O Israel, the Lord our God, the Lord is ONE," they regard only the God of their fathers, the Lord of all creation, the supreme Jehovah. This be your boast, this be your bond of union.

'What is it, then, we ask of the Hebrew Vestry? The abolition of the ancient language and form of Jewish worship? Far from it. Those, who have thoughtlessly opposed our efforts, are well aware, that neither in the petition, which first convened this respectable assemblage of Israelites, nor in the constitution, which grew out of the rejection of that petition, unheard and uncanvassed, and which constitution stands at once the monument of your firmness and your moderation, was any such abolition contemplated. They well knew, that every prayer, every ceremony, calculated to add dignity to external worship, and warmth to true devotion, was the ardent wish of the members who compose your society. Our desire is to yield everything to the feelings of the truly pious Israelite; but to take away everything that might excite the disgust of the well informed Israelite. To throw away Rabbinical interpolations; to avoid useless repetitions; to read or chant with solemnity; to recite such portions of the Pentateuch and the prophets,

as custom and practice have appointed to be read in the *original Hebrew;* but to follow such selections with a translation in *English*, and a lecture or discourse upon the law, explanatory of its meaning, edifying to the young, gratifying to the old, and instructive to every age and every class of society. Is this abolishing our mode of *sacred* worship? Is this sapping the foundations of our venerable faith? No, my friends; this is stripping it of foreign and unseemly ceremonies; divesting it of rubbish, and beautifying that simple Doric column, that primeval order of architecture, which raises its plain but massy head amid the ruins of time, and the desolation of empires!' *Discourse*, pp. 5—7.

The past character of modern Israelites is thus rapidly vindicated.

'After the destruction of Jerusalem, our ancestors, though all political union was dissolved, were not unmindful of the promises of God, of the preservation of their name, their nation, and their religion. They still retained some patriarchs in Judea, and what they denominated Princes of the Captivity in the East. Wherever they were tolerated, they established colleges, and instituted various orders of learned men. They have mainly upheld and disseminated the beautiful institutions of Masonry, that universal link of brotherhood. Mindful of the word of God, and convinced of the unity of the Godhead, they have never been seduced from their allegiance to the supreme ONE. The manifold oppressions inflicted on their unprotected heads, have never caused them to apostatize [from] their religion. They exhibit the picture of a people scattered over the whole earth by the winds of heaven, divided from each other by interminable oceans and trackless deserts, yet preserving and venerating the religion, the customs, the antique simplicity, the language, and character of their ancestors, after a lapse of nearly eighteen hundred years!

'Did my limits permit, or my subject require it, my respected auditors, I might carry you with me over those inhospitable climes, those despotic countries trod by the bleeding feet of this selected race, in their pilgrimage through a hostile world. Even during such a recital, I might find subjects for your admiration. I might speak of their academies, and of their eminent men; of their mathematical knowledge; of those sages who have done more for the Jewish name, than all the power and conquests of antiquity; of their experiments in chemistry, which science they so materially advanced; not merely analytical chemistry, but what they pursued with the most ardent passion, synthetical chemistry, in which their combinations were so admirable, that many of the Jewish doctors fell under the suspicion of being pos-

sessed of the *grand arcanum.* This is the secret of the philosopher's stone, by which every metal is to be transmuted into gold. The elixir, by which this precious revolution is to be accomplished, was believed also to have the power of curing every disease (like some celestial julep), and to confer youth and immortality on the man who knew the *synthesis*, and who, cleansed by abstinence and prayer from every *terrene* incumbrance, would patiently watch for "*the flame which wrapped the sacred birth in the bed of purification.*" Such was the extravagance of credulity. A proof at once of the mingled admiration and awe, with which the vulgar regard extraordinary learning, or striking experiments.

'The Jews and Arabs, in the middle ages, became the physicians of Europe, and the confidants of princes. A Jewish physician has been charged with poisoning Charles the Bald; the king's death, however, is due to more royal hands. But Voltaire remarks, "What must have been the ignorance of Christendom at that period, when kings were obliged to send in search of physicians amongst the Jews and Arabs!"* And it may now be added, what might still have been the ignorance of Christendom, if the Jews and Arabs had refused to come!' pp. 17—19.

The following is at once eloquent and piquant.

'But a remnant has escaped. The celestial fire was not all extinguished. With what pride and pleasure must the happy few who composed our immediate forefathers; the happy few, who were sufficiently enlightened to leave oppression, and go in quest of liberty; with what indescribable sensations must these pilgrims of the world have hailed the dawn of freedom, as it illumined the Western horizon. Here they have found a refuge and a home; in this happy land, where nature is profuse in all that can administer to the physical wants and pleasures of her creatures; where, after a few years' residence, they enjoy the rights of men; and where the birthright of ourselves, their children, is equal liberty. Where is he that does not feel a glow of honest exultation, when he hears himself called an American? Who that does not offer praise and thanksgiving to Providence, for the contrast of what man *is* in these United States, and what he *is* under almost every other government? Thus appreciating, thus enjoying the natural and political blessings of our country, we are willing to repose in the belief, that America truly is the land of promise spoken of in our ancient Scriptures; that this is the region to which the children of Israel, if they are wise, will hasten to come. Not to some stony desert, or marshy island, or inhospitable clime, do we invite

* Voltaire, Hist. Gen. tom. i.

them. We point out no fixed spot for cultivation, or for peace. Let them, and the oppressed of all mankind, take their free choice. They leave behind no paradise, as did our first parents; they rather approach a garden of plenty and variety; where protection is above and around them; and whence the flaming sword of the cherubim has been withdrawn. Let them approach; in coming to America,

> The world is all before them, where to choose
> Their place of rest, and Providence their guide.

'Let them select the city or the plain; the commerce beaten shores of the Atlantic, or the rich wilderness of nature, that spreads its prodigality throughout the West, presenting incitements to enterprise and stores of wealth, uncounted, unsurveyed, immeasurable.' pp. 26—28.

The peroration is yet more elevated.

'But, be the promised land what it may; whether new Jerusalem mean old Judea, renovated and blessed by the munificence of heaven; or whether, with Chrysostom, we take it to signify the city of God, happiness hereafter; yet are we contented, while we remain on earth in this temporal state, to live in America; to share the blessings of liberty; to partake of, and to add to her political happiness, her power, and her glory; to educate our children liberally; to make them useful, and enlightened, and honest citizens; to look upon our countrymen as brethren of the same happy family, worshipping the same God of the universe, though, perhaps, differing in forms and opinions. We are contented and happy thus to act, and we hope and trust we act rightly and virtuously, until the annunciation of the Messiah shall reunite us into one nation, offering with all mankind, in the name of the universal Father, our common sacrifice on one common altar. Whether that annunciation be made this hour, or thousands of ages hence, let us, in the name of that Being, who out of the depths heard the voice of his people, and brought them into salvation; that Being, who created all men for happiness, and light, and truth; let us, in his name, live in friendship with each other, and in charity with all mankind. In the words of him, whose powers of harmony could exorcise the evil spirit from men's bosoms, "Behold, how good and how pleasant it is for brethren to dwell together in unity! It is like the dew of Hermon, and the dew that descended upon the mountains of Zion; for there the Lord commanded the blessing, even life for evermore."' pp. 31, 32.

There is a display of not unappropriate learning in the notes,

and something of the same in the text. No part of the pamphlet appears to us liable to severe criticism. Perhaps there is a slight approach to mysticism on the subject of alchemy, and once or twice the style is a little more mounting, than suits our frigid northern taste. The author claims D'Israeli as an Israelite. His ancestors were such, but, if we are not mistaken, that prodigious book devourer is a decided advocate for the claims of Jesus of Nazareth.

It would be but fair to state, that Mr Harby's immediate opponents complain of him as wishing to expunge from the Jewish rituals a large portion of the Rabbinical contributions, which they contend are intrinsically valuable, besides being regarded as sacred, from long and reverent use. They further complain, that his party understand nothing of Hebrew, and so are unqualified to judge respecting the propriety or impropriety of any part of the ritual. This last conclusion may be true, but surely it only goes strongly to justify the demands of the reformers, to have the ritual translated, and employed in English. Then, if there be any beauty and merit in the Rabbinical illustrations, it would undoubtedly be perceived and appreciated, and cheerfully adopted.

After all, while our own habits and prejudices incline us to wish success to the new school of Jewish reform, we must not forget that there is something, which deserves our respect in the strenuous opposition it has to encounter. The existing institutions of this singular and interesting people are consecrated by tender and solemn associations of antiquity, and by affecting remembrances of the many sufferings, toils, and struggles of the Israelites of past ages. We do not wonder, that affection clings to those institutions as to the tabernacle, which accompanied the wanderers of old through the wilderness. But as the tabernacle itself was at length disused, and gave place to the glory, convenience, and beauty of the stationary temple, so we cannot but be persuaded, that the spirit of the age, like the voice of Jehovah, will gently and irresistibly convert the present synagogue, with its obsolete ceremonials, its unintelligible language, and its alleged unimpressive influences, into a more rational sanctuary, to which the understandings of ten thousands of votaries shall eagerly resort to be strengthened and enlightened, and their hearts to be warmed, consoled, and purified.

ART. V.—1. *De verâ Naturâ atque Indole Orationis Græcæ Novi Testamenti Commentatio*, Auctore HENRICO PLANCK. Goettingen. 1810. [Reprinted in the *Commentationes Theologicæ*. Leipzig. 1825.]

2. *Clavis Novi Testamenti Philologica, Usibus Scholarum et Juvenum Theologiæ studiosorum accommodata*, Auctore M. CHRIST. ABRAHAMO WAHL, etc. Lipsiæ. 1822. 8vo.

3. *Grammatik des Neutestamentlichen Sprachidioms*, u. s. w. Von GEORG BENEDICT WINER, der Theologie Doctor und Ausserordentlichem Professor an der Universität zu Leipzig. Leipzig. 1822.

4. *Lexicon manuale Græco-Latinum in Libros Novi Testamenti*, Auctore CAROLO GOTTLEIB BRETSCHNEIDER, Theologiæ et Philosophiæ Doctor, etc. Lipsiæ. 1824. 8vo.

5. *A Greek and English Lexicon of the New Testament*, from the *Clavis Philologica* of C. A. WAHL, late Senior Pastor of Schneeberg, now Superintendent of Oschaz, Saxony. By EDWARD ROBINSON, A. M. Assistant Instructer in the Department of Sacred Literature, Theol. Sem. Andover. 1825. 8vo. pp. 852.

6. *A Greek Grammar of the New Testament*, translated from the German of G. B. WINER, Professor of Theology at Erlangen. By MOSES STUART and EDWARD ROBINSON. Andover. 1825. 8vo. pp. 176.

THE progress of Sacred Literature in this country, has, of late, been rapid. Fifteen years ago there were few facilities for the pursuit of it; and a good apparatus for this department of study was a thing almost unknown, and altogether unattainable. For the literature of the Old Testament, there was here and there a copy of the Hebrew Lexicons of Parkhurst and Simonis, and occasionally, perhaps, some of an earlier date. Some of the older Hebrew grammars were also to be found; of which Buxtorf's was far the best. But a knowledge of the Hebrew language was confined to a few individuals; and in those schools where it was professedly taught, it was practically accounted as of secondary importance; was studied without the points; and was seldom pursued beyond the elementary

principles. The New Testament, in its original tongue, was an object of more general attention, because the Greek language was taught to a considerable extent in all our seminaries. But it was studied just like the Greek of Homer or Xenophon; as forming a constituent part of the national Greek literature, which has descended to us; with little or no reference to the peculiar character of its style and composition; and with a disregard of all those circumstances of time, place, manners, and opinions, which combined to produce that character. This, however, was no more than was to be expected; since almost the only means of pursuing the study of the New Testament, were those which were common to the whole circle of Grecian literature. The helps adapted exclusively to this object were very rare. Even the work of Parkhurst was seldom to be met with; and scattered copies of the Lexicon of Schleusner were just beginning to find their way into the country.

So far as it regards apparatus for biblical study, the times are now changed. The important results of the labors of Gesenius in Hebrew grammar have been condensed, and improved, and spread before our countrymen in the Grammar of Professor Stuart; while the valuable Hebrew Lexicon of the same author has also been translated by Mr Gibbs. Among the scholars of the continent of Europe, these works have taken the place of all others on these subjects; and they are now as accessible to the students of this country, as to those of Germany. We have also in our own language treatises on Sacred Interpretation and Jewish Antiquities; while other books of a similar kind, and the latest and best Commentaries on both the Old and New Testaments, are beginning to be extensively circulated. Within the last year, the same press which has hitherto taken the lead in publications of this sort, has presented us with the two works, whose titles stand last at the head of this article; and which, in some measure, complete the circle of elementary books necessary for the prosecution of biblical literature.

We would not be understood to say, that the advances made among us in this department of study are yet so great or so general, as those which have been made on the continent of Europe. There are among our countrymen, doubtless, individuals, whose profound researches, and extensive acquisitions in the particular branches to which they have given their attention, may well vie with those of the celebrated philologists of the other continent; but the shortness of the time, which has yet

elapsed, and the nature of the demands upon that class of our youth, who alone can be expected to devote themselves to these pursuits, forbid us to suppose, that such should be the general character of those who have as yet embarked in them. It is to the clergy, that we must principally look for the successful cultivation of this species of literature; and it is hardly necessary to remark, that the life of active and laborious exertion, to which most of them are called at the present day, is ill adapted to that extensive progress in any department, which is usually the result only of long and painful effort directed to a single point, and carried on in retirement from the bustle of the world, and without the pressure of those claims of active and public duty, which, in the case before us, are paramount to every other. We do, however, mean to say, that a redeeming spirit on this subject has gone abroad in the land, which, at no distant day, will lead to the best and highest results. We mean to say, that among our clergy, and indeed among all classes of the community, the impression is strongly and most justly gaining ground, that the Bible is the sufficient and only rule of faith and practice; that it is, and should be regarded as the only foundation of all Christian theology; and that, therefore, the study of the Bible is, and ought to be, the first and the great object of a theological education. The obvious tendency of views and feelings like these, is to urge men onward in the cultivation of those languages, in which the sacred records were originally delivered, and to the investigation of all those circumstances in the history, and character, and customs of the people, to whom they were first addressed, which may be supposed to have had an influence upon the form and character of the records themselves.

The day, we trust, has passed away, in which the body of our clergy will remain contented to receive their knowledge respecting our sacred books, through the medium of mere translations, or on the authority of commentators. The spirit of the Reformation is again at work; the rights of private judgment, and the necessity of free and personal investigation, are beginning to be felt on this subject, as they long have been on all others; and if these be exercised with proper dispositions, the results cannot but be most auspicious. We are not of the number of those, who fear the consequences of the closest scrutiny, or the most profound researches, into either the nature, or history, or interpretation of the records of our religion. We believe the truths, which these records reveal, will shine with purer lustre.

when the veil of ignorance, by which they are yet in a measure shrouded, shall have been still farther removed. We know, indeed, that there are those, who are doubtless conscientious in the adoption of different views; and who regard with alarm all those efforts of critical acumen, that lead to results in any shape different from those received modes of interpretation, which, originally adopted perhaps without sufficient evidence, have been handed down from generation to generation, without question or examination. Such persons are, no doubt, conscientious in their motives; but it does appear to us, that they are alarmed at a shadow, which their own experience has not enabled them to distinguish from a substance; and that their motives, if traced to the ultimate source of them, will be found to rest on nothing better than the Papal maxim, that 'ignorance is the mother of devotion.' It was the glory of the Reformation, that it reversed this maxim, and strove to found a more enlightened system of faith and worship on the unlimited diffusion of knowledge; and we hope it will be the glory of this country to exhibit proof of the Protestant maxim in its full extent, as applied to the study of the Scriptures.

To those who have reflected on the subject, it cannot but be evident, that an *intimate* acquaintance with these oracles of our religion, can be acquired only by an attentive study of the originals. The great outlines of divine truth are indeed so prominent and obvious, that no version, however inadequate, can entirely conceal them from view; so that even in the worst translation, there may yet be found all that is essential to salvation. In this secondary form of translation, too, the great body of Christians in every country must necessarily be content to receive the Scriptures. But they who are to be the teachers of religion; who are expected to be become familiar with the word of life, that they may illustrate its power, and enforce its application upon their fellow men; ought never to rest satisfied with the imperfect knowledge, which can be acquired through the medium of versions. To the Jewish nation, the Scriptures presented, as it were, the reality of the scenes, and persons, and events, to which they relate, existing in all their freshness, and beauty, and strength, and in the living hues of nature. To us they are like the same scenes, and persons, and events exhibited in a magnificent painting. The life and soul must necessarily be wanting; but if we can, in a measure, transport ourselves back to the circumstances of the Jews; if we can speak as they

spoke, and read as they read, and feel as they felt; we may raise our eyes and behold the painting, glowing with beauty and expression, and rich in graceful forms and brilliant coloring. Without such preparation, without this Jewish power and Jewish feeling, we cannot attain to such a view; our eyes will rest only upon those outlines of the forms and scenes, which are suspended as a key beneath the picture, and which, of course, are destitute of coloring, of costume, of the minuter features, and comparatively of expression. Such, in a degree, must the Bible be to those who read it only in a version. They cannot fully appreciate its power, and majesty, and simplicity; because they have never viewed it in the only light, which presents these qualities in their own bold relief. They cannot well, as teachers, cause it to produce on others the full effects of its power; because they have not fully felt that power themselves. As well might the missionary to heathen lands, renounce the idea of acquiring their languages, and spend his life in making his annunciations by the mouth of an interpreter. Why does he, at the very first, set himself to become familiar with their tongues? In order, assuredly, that he may communicate directly with them; that thus he may impart to his instructions more force, more energy, more power, by adapting them to those modes of thought, and feeling, and expression, to which those whom he addresses are accustomed, and through which only can he hope to produce upon them any vivid or permanent impression. Why, then, should not our teachers of religion, first of all, resort to the original Scriptures? Their case, indeed, is the converse of that of the missionary; but the reasons which hold good in the one, have a still stronger bearing on the other; inasmuch as the Scriptures are the ultimate fountain, from which all must draw.

While we thus urge attention to the study of the original Scriptures, it is proper to remark, that there are circumstances in our situation, which must necessarily modify our views, and direct our efforts to particular portions, rather than the whole field, of sacred literature. Our country is, in all repects, a new world; and while, on the one hand, we have no remains of ancient cities, no 'cloud capt towers and gorgeous palaces,' as memorials of former splendor and departed greatness; so, on the other, the literature which our fathers brought with them, and which has since come over to us, is all in books. We have no manuscripts, venerable for their antiquity and authority. We

have no immense public libraries, where books, and manuscripts, and dust have been accumulating for ages. So far, then, as the correction of the sacred text is concerned, we are without instruments wherewith to work; and cannot therefore hope, in this respect, to make additions to the stock of knowledge. We must here depend on the results furnished by the labors of our European brethren, who have all the materials exclusively in their own hands. Why then should we spend our time, and waste our strength, to delve in the dust of *minor* criticism, while the way is open before us in all that relates to the general literature and interpretation of the Scriptures? We have materials, or have ready access to them, for the illustration of the language and history of the Bible, the character and antiquities and opinions of the nation to whom it was first given, the doctrines and duties which it prescribes, and the practices which it prohibits. Here, in the walks of *higher* criticism, is a field sufficiently extensive for the exercise of all our powers; a field, which will afford an ample return of precious fruits, and more than recompense all the toil, which the most intense enthusiasm may bestow upon it.

We turn from the discussion of this general topic, to that branch of it which we had more especially in view, when we sat down to write this article. Our purpose is, in connexion with the general subject, to offer some remarks on the character of the language in which the New Testament is written; and to specify some of those branches of study, which seem to be requisite for the full understanding and correct interpretation of that sacred volume.

It is not our intention to enter here into the details of the famous controversy on the purity of the Greek idiom of the New Testament, which, from the days of Henry Stephens (1576) to the time of Blackwall (1727), or perhaps of Palairet (1752), exercised the ingenuity, and employed the pens of most of the learned theologians of the old world; and which, like many other disputes, soon became rather a strife about words, than a discussion about things; a contest for victory, rather than an inquiry after truth. The controversy would seem to have arisen, in a great measure, from that idea of *optimism*, which is very commonly associated with the sacred text, and which attaches perfection, in the absolute sense of the word, to every part and portion of that text. If the Bible be the word of God, it must be free from all defects. If the New Testament was given

from God in Greek, it must have been given in the best possible Greek, the pure, unadulterated Attic; for this was the standard of the language; and any departures from it, whether Doricisms, or Latinisms, or Hebraisms, were all barbarisms, and therefore to be condemned as imperfections and blemishes, utterly inconsistent with the divine original of the volume. This view was supported and defended with the utmost pertinacity; and when facts, undeniable facts, were brought in opposition to it; when it was abundantly shown, that the New Testament contained many words and phrases which were literal translations of Hebrew idioms, and many constructions, which were of ordinary occurrence only in the Hebrew tongue; so far from admitting the validity of the argument drawn from these facts, which in themselves could not be questioned, the other party ransacked the whole circle of Grecian literature to find instances of like phrases and constructions. Just as if, even had the search always been successful, it could be supposed, that the unlearned writers of the gospels, where these Hebraisms prevail most, had derived such idioms from the classic language of the Greek writers, of whom they knew nothing, rather than from the daily usage of their own vernacular tongue.

At the present day, the ground, as stated above, on which the Attic purity of the style of the New Testament was to be supported, appears sufficiently amusing; we might say, perhaps, absurd; were it not, that the same idea of optimism is still very generally connected with the Bible in many other particulars, not more essential or important than purity of style. It was the same feeling, that the Scriptures must be immaculate, which at first took alarm, and denounced all attempts to collect the various readings, that are found in them, as having a direct tendency to prove the Scriptures imperfect, and therefore undeserving of our highest confidence. This, in fact, was extending the idea of perfection, so as to include not only God and his word, and render them immaculate, but also every transcriber and printer of the Bible, since it was first given. In this connexion, we might go farther, and say, that it is the same idea of optimism, which still influences those who hold to the plenary *verbal* inspiration of the sacred records; who assert that every phrase and every word was directly *suggested* to the mind of the writer by the agency of the Spirit; and assign the same lofty and overpowering influence to Paul, when he directs Timothy to 'bring with him the cloak,' as they do to Isaiah, when, rapt in ecstatic

vision, he announces the future triumphs of the Messiah's reign.

Time and the power of indisputable facts have, at length, settled many of these questions; and no one any longer feels alarm at the thousands of various readings in the Bible, nor at the many departures from Attic purity, which are found in the diction of the New Testament. It will ultimately be the same, we trust, with all other questions of a similar nature. As the language of Greece has been more cultivated, and the genuine character of it more clearly understood, it has been seen, that Grecian literature comprehends in itself a wide range of style and expression, extending from the polished elegance of Plato and the Attic sweetness of Xenophon, to the antique forms of Homer on the one hand, and to the later and less pure idiom of Polybius and Herodián on the other. Hence the question in regard to the New Testament became of less importance, when it was apparent that the peculiarities charged upon it, whatever they might be, rendered it not much more unlike the language of the best ages of Greece, than was the style of many of their own writers. At present, all critics seem to have settled down in the same general views; and the following remarks may be considered as exhibiting an outline of the prevailing opinion on this subject.

Whatever may have been the source whence the Greek language derived its origin, it is well known, that, during the most flourishing ages of the Grecian republics, each separate state had its own peculiar dialect. When, under Philip of Macedon, these several republics were, in fact, if not in name, subdued and united under one government; and intercourse between the different parts of the country became more frequent; the several dialects also became by degrees amalgamated into one common language, in which that of Macedonia would naturally have a certain predominance. Still more was such an amalgamation promoted under the reign of Alexander. His armies were composed of men enlisted from every quarter of Greece, who were thus brought into permanent contact, and would hence gradually lose their peculiarity of dialect. The cities and colonies that he founded, were filled with inhabitants collected in a similar manner, whose association would naturally produce similar results. These remarks apply, of course, more particularly to the colloquial language of ordinary life. The language of books, for a time, was less affected. As Athens had long

held a sort of supremacy in Greece, and was still regarded with high veneration as the seat of elegant literature and arts; so, when the other dialects fell into disuse, her polished and graceful diction became the standard of the written language, and nominally maintained that rank for several centuries. But the causes which affected the style of colloquial discourse, could not fail to operate indirectly upon that of books, and, in no long time, to produce departures from Attic purity. The language thus formed, varying in purity and elegance according to the country, the education, and the taste of different writers; but still inferior to the genuine Attic, and degenerating more and more in the lapse of years, was that which is termed by the grammarians *the common dialect*, ἡ κοινὴ διάλεκτος, and was current in those later periods of Greek literature, when the books of the New Testament were written. At a yet later date, the language degenerated still further into the Byzantine dialect, and has ultimately come down to our days in the form of the Romaic or Modern Greek.

But besides this natural progress of deterioration, the Greek language, so far as our subject is connected with it, was subjected to the influence of another cause of a similar nature, and of not less power. In the cities founded by Alexander, were collected inhabitants of various other countries and tongues, besides those of Greece. The language of the latter, however, was the prevailing one, and was the usual medium of communication in the ordinary transactions of business and of life. It is obvious, therefore, that those inhabitants and sojourners to whom Greek was not vernacular, would be compelled to acquire it; and it is no less apparent, that the Greek thus acquired from daily communication with others, and not from books, must have been the colloquial Greek, mingled at the same time with many words and forms of expression borrowed from the native language of the speaker. Especially was this the case at Alexandria, and with reference to the Jews. That city soon became the emporium of the world, and was thronged with foreigners from all the nations of the earth. Under the Ptolemies, it became the seat of the later literature, and science, and philosophy of the Greeks; though the language as spoken there, notwithstanding some peculiar forms, does not appear to have so far differed from the *common* Greek, as to merit the appellation of a distinct dialect. This city was a favorite place of resort to the Jews; of whom at least ten thousand are said to have been numbered among its inhabitants. Here was made, at an early period, the

Greek version of the Scriptures by the Seventy, which displays, in a remarkable manner, the influence of a vernacular tongue on the words and phrases of another language, partially acquired. Of that version some books, no doubt, are given in a style not far remote from the best Greek of that day; while others, from the hands of translators less skilled in Greek, adhere closely to the very letter of the Hebrew, and hence exhibit many strange anomalies of language.

What was thus true in an eminent degree of Alexandria, was also, in a measure, the case with the other cities of Egypt and of Asia Minor. In all these the prevailing tongue was Greek; in all of them the Jews were more or less domesticated, and spoke the current language, intermingled with their own idioms. The introduction of Greek into Palestine was later. All the habits and prejudices of the Jews were at war with such an innovation; and it was only stern necessity, arising from the forcible intrusion of foreign domination, and the intercourse of their brethren who flocked from other lands to pay their vows in that city, which brought them to adopt, in any degree, the language of the Gentiles.

There were, then, two principal causes, the operation of which tended to create a departure in the diction of the New Testament from that of the purer ages of the Greek language. The first was the gradual deterioration of the Greek itself; and consisted in the adoption of words and forms of words, belonging to all the different dialects; in giving new significations to words used in the ancient language, as ἀποκρίνομαι *to answer* instead of *to separate*, ὀψώνιον *wages* instead of *food*, &c; in giving to many words a different, and often a lengthened form, as ἀνάθεμα *an offering* for ἀνάθημα, ἐκχύνω *to pour out* for ἐκχέω, ἐλεεινὸς *compassionate* for ἐλεινὸς, &c; and in the introduction of new words, mostly by composition, as ἀνθρωπάρεσκος *gratifying men*, αἰχμαλωτίζω *to lead captive*, ἀποκεφαλίζω *to behead*, &c. This later language was particularly rich in substantives ending in μα, in adjectives in ινος, and in verbs terminating in ίζω. It exhibited also a few peculiarities in the forms of nouns and verbs, arising from inflection. The other cause, which operated on the diction of the New Testament, was the vernacular tongue of the writers; which gave rise to words, and phrases, and constructions foreign to the Greek, and borrowed partly from the ancient Hebrew, in which their Scriptures were written, and with which the Jews were familiar; and partly from the Aramæan, or Syro-Chaldaic, which was at

that time the popular dialect of the Jews in Palestine. All these peculiarities are usually comprehended under the appellation of *Hebraisms*, and are divided by Winer into those which are *perfect*, and those which are *imperfect*. The former consist of such words, phrases, and constructions, as belong exclusively to the Hebrew or Aramæan language, and must therefore have been derived from it. The latter comprise words, phrases, and constructions, which, although they may be found in Greek authors, were probably derived by the writers of the New Testament from the Hebrew or Aramæan. Of the former species, or perfect Hebraisms, are words formed by the Jews after the analogy of certain Hebrew words, as σπλαγχνίζομαι *to have compassion*, which stands in the same relation to σπλάγχνα *bowels* as רַחַם to רַחֲמִים; words, which, besides the usual Greek signification, have also another meaning, common to the correspondent words in Hebrew, as ῥῆμα *thing* as well as *word*, like דָּבָר, εἰρήνη *prosperity, happiness*, as well as *peace*, like שָׁלוֹם; and whole phrases, of which, although the words may be found in Greek, yet the connexion is exclusively Hebraistic, as πρόσωπον λαμβάνειν *to accept one's person, to show partiality*, like נָשָׂא פָּנִים, διώκειν τὴν ἀγάπην *to follow after love, to cultivate love*, like רָדַף. Grammatical constructions of this kind are, the use of οὐ πᾶς for οὐδείς, in imitation of the Hebrew לֹא כֹל; the use of ἐνώπιον with a genitive, like לִפְנֵי; the periphrasis with εἷς and its accusative for the nominative, like the Hebrew use of לְ; the form of negative oaths, as εἰ δοθήσεται, like אִם, &c. The other class, or imperfect Hebraisms, are either such constructions as are more frequent in Hebrew than in Greek, as ἅγια ἁγίων *holy of holies* to express the superlative or *most holy*; the use of εἷς *one* for πρῶτος *first*, &c; or such as are equally common in Greek and Hebrew, but which the writers of the New Testament more probably derived from the latter; as the use of the nominative for the vocative, the omission of the pronoun after transitive verbs, &c.

Besides these two causes, there was also a third, which had a more partial effect upon the style of the New Testament. The Jews were necessarily led to apply the Greek language to subjects, which had never occupied the attention of the Greeks, and to express ideas for which the vocabulary of that tongue afforded no appropriate terms. Hence it became requisite to attach to words already existing a new sense, or to coin new

words adapted to the exigency. Both of these courses were adopted by the Jews, and especially by the teachers of religion and the writers of the New Testament. Thus, of the former kind, we find πίστις *faith*, ἔργα *works*, &c; and of the latter, προσωπολημψία *partiality*, derived from πρόσωπον λαμβάνειν mentioned above.

We have said enough, we trust, to show, that the Greek of the New Testament must necessarily be a very different species of Greek from that which prevailed at Athens in the days of Xenophon and Plato. Standing on this ground, and looking back on the centuries which have rolled away in controversy on this subject, we cannot but view with wonder, and even pain, the strenuous and ill directed efforts lavished in behalf of a cause, which now seems destitute of any sound support, and which in itself is comparatively unimportant. We may, however, be consoled by the reflection, that all these efforts have led to a more radical investigation, both of the New Testament and of the Greek writers, and to a more profound acquaintance with the history and character of the Greek language in all its relations; just as the persevering, though fruitless toil of the Alchemists laid the foundation for the wide researches and splendid discoveries of modern chemistry.

Out of this view of the character of the style of the New Testament, there is here suggested a practical inquiry, in relation to the propriety of introducing the study of that volume into our preparatory schools. We are aware that such is the usual practice; and that, in this country at least, it is sanctioned by long usage and the authority of distinguished names. But in accordance with the views already expressed, we do not hesitate to enter our protest against it. We have reasons for this course, apart from the character of the language; such as the feeling which is inevitably excited in the mind of a boy towards any book through which he has been driven in the gears of grammatical analysis; a feeling, which not seldom clings to him, from the force of habit, through life. But we do not press such reasons here. Our present objection lies against the style. All that a boy acquires, or is expected to acquire, in those schools, is the words, and phrases, and constructions of the language. Now if he is thus early put to the study of the New Testament, his attention is directed to a style of composition, which is not Greek, exhibited in a language, which is not pure Greek, and he is in this way required to become a good Greek

scholar. As well might a pupil in French commence with the study of the dialect of Canada; as well might a foreigner, beginning to learn English, take up first the poetry of Burns, or the Heart of Mid Lothian. The consequence of such a course is, that the youth, whose mind is thus preoccupied with a foreign idiom, acquires no perception of the true genius of the Greek, or of its distinguishing characteristics; all to him is confused and indistinct; whereas, let him pursue a contrary course, and first make himself familiar with the Attic models, and become imbued with their spirit, and he may then come to the study of the New Testament prepared to perceive and estimate at once the peculiarities which belong to it, both in regard to diction and to subjects.

We return to the topic from which we have digressed. From the course of our remarks it is manifest, that were only the *language* of the New Testament to be taken into the account, the lexicography and grammar of it would properly demand a distinct consideration, apart from any which should include the Greek language in general. We now proceed to say, that the circumstances of the nation to which the sacred writers belonged were such, and there are such constant allusions to the history and geography not only of the Jews, but also of the Romans, to their manners and customs, and to their views of religion and philosophy, as to take the New Testament entirely out from the body of Grecian literature, and give to both the philology and interpretation of it a distinct and peculiar character, and render them a proper object of separate and particular investigation. On each of the above topics we shall by and by offer some remarks, in connexion with the questions, which here present themselves to our notice.

What then are the principles, on which this separate lexicography and grammar of the New Testament should be founded? What are the means, by which the philology and interpretation of it are to be illustrated and supported? To the first of these questions, the remarks which we have already made, afford an ample reply. The language of the New Testament must be considered in all the relations, which it bears to the Greek in the various stages and characters of that tongue; and also in reference to the influence, which the Hebrew or Aramæan may have exerted upon it. So far as the signification of words, the general interpretation of the language, and the illustration of the subjects are concerned, all the circumstances enumerated

in the preceding paragraph must also be taken into the account.

The language must be compared with that of the Greek writers of the Attic and succeeding ages, and the usage of each individual word traced through them all; since in no other way can it be determined, whether a word is of good Attic usage, or belongs to the later idiom, or has been introduced by the influence of the Hebrew. The means of making such a comparison, thanks to the patient diligence of German editors, are now ample in respect to most of the Greek authors, though not for all. To institute the requisite comparison *de novo*, and solely by the aid of one's own personal reading, would indeed be a task, requiring for the accomplishment of it a life, which should not number less than several multiples of threescore years and ten. But with such admirable indexes as those of Xenophon, by Sturz; of Herodotus and Polybius, by Schweighäuser; of Herodian, by Irmisch; and others, which might be enumerated, and the collections made for this special purpose by Wetstein and other commentators, the labor of the comparison is brought within a narrow compass. These indexes often contain within themselves sufficient materials to make out the necessary examination; or, if not, they refer at once to the requisite passages in the text. We are well aware, that index hunting may be, and has been, carried much too far; especially when the index is made the place of ultimate investigation and appeal; but we are unable to perceive any valid objection to the use of them as instruments, as sources of information merely, without placing any implicit reliance on their decisions. It is the prerogative of the present age, that it may avail itself at once of all the results of the labors of past ages, and thus profit by their experience and toil. To renounce this high privilege, would surely be a proof of anything but wisdom. As well might the mathematician discard the labors of those who have preceded him, and attempt to make out solely from the resources of his own ingenuity the solutions of those problems, which have for ages occupied so many mighty minds, from Pythagoras down through Newton to La Place.

In these investigations, important aid may also be derived from the labors of the Atticists, a class of men who undertook, in their patriotic zeal, to recall the Greek language from its degeneracy, to that high standard of purity and elegance, for which the ancient Attic was preeminently distinguished. They

busied themselves in collecting and condemning words and phrases, which, to their taste, lacked something of the true Attic flavor; and with these they contrasted the more ancient and elegant modes of expression. In these niceties, they sometimes went beyond the mark, and have thus betrayed their own ignorance; since it has not unfrequently happened, that words, which they denounced, have, in the researches of later critics, been found in good use in the best authors of the purest age of Greek. Still their labors are not without value; and when brought forward in connexion with the observations of competent editors, they add much to the facility of our investigations. In a particular manner, the work of Phrynicus, as published by Lobeck, exhibits an extent of research into subjects of this kind, which would be credible of scarcely any other than German industry and minuteness of inquiry.

To determine accurately the degree of influence, which the Hebrew has exerted over the style of the New Testament, an extensive acquaintance with that language is obviously necessary. We shall speak more at large on this point, in connexion with another part of our subject. It is sufficient here to remark, that it is not a knowledge of the Hebrew of the Old Testament only, that is important; but also of that idiom, which was the current language of Judea in the age of the Savior and the apostles, and which was formed from the Chaldee, brought back by the Jews from their exile, and intermingled with the Syriac or Western Aramæan. The words that remain untranslated in the Greek Testament, such as ταλιθὰ κοῦμι, (טְלִיתָא קוּמִי) *damsel, arise!* are mostly of this dialect; which, so far as the Scriptures are concerned, is intimately related to the Hebrew, and differs from it in the forms and choice of words, rather than in construction. In this connexion, also, the earlier writings of the Jews in Greek are of great importance. The Septuagint, especially, throws light continually on the peculiarities of the New Testament; and often constitutes a direct medium through which we may compare the idioms of the latter with the Hebrew of the Jewish Scriptures. This version could not fail to exert a powerful influence on the writers of the New Testament; since it had already become current among the great body of the Jews who lived out of Palestine; and was of such authority, that both Christ and his apostles not unfrequently made their Scriptural quotations in the language of it;

and the writer of the Epistle to the Hebrews, which was not improbably designed to become a circular for all the churches composed of Jews, adduces his citations almost exclusively from the Septuagint. In addition to this, the Jewish apocryphal writings also afford many illustrations of the language of the New Testament; inasmuch as they were written by Jews, and on Jewish subjects. But in regard to all these works, it is manifest that they were written at an earlier period, and before the use of the Greek tongue had become fully prevalent among the Jews; and they are, therefore, with the exception of a few portions of the Septuagint, far less pure, and exhibit far greater anomalies, than the books of the New Testament, which were composed when the Greek had become more current, and was better understood. This remark cannot apply, however, to the writings of Josephus, who was contemporary with the apostles, and wrote not long after them. His works may, therefore, be advantageously employed to elucidate the style of the New Testament; although, as the friend of princes, and mingling in the higher classes of society, and acquainted with general literature, he has, in a measure, divested himself of those peculiarities of the Hebrew idiom, so frequent and so unavoidable in the colloquial language of the common people; to which the diction of the sacred writers is unquestionably to be referred.

There is another class of writings in Greek, which it has been proposed to employ in illustrating the usage of words in the New Testament. We allude to the spurious gospels, which were partially current in the early periods of Christianity, and which have been collected and published by Fabricius; and also to the writings of the Fathers. To the examination and temperate application of writings like these, with a proper estimate of their value, we have nothing to oppose; but our objection to an extensive use of them is, that, from the very nature of the case, they must be supposed to have closely imitated the style of the New Testament, and can therefore be of no great authority in determining any question respecting the purity or propriety of that style. If that had peculiarities, they would be likely to adopt them; if that departed from the idiom of pure Greek, they also would probably have done the same. In regard to the Fathers, they mostly wrote at a time so long subsequent, and mingled, to such a degree, the peculiarities of the New Testament with the characteristics of the later Greek, that

they can properly afford no good criterion for forming any estimate respecting the language of the sacred writers.*

Such are the means, in general, which we possess of ascertaining the distinctive character of the *language* of the New Testament. In the application of these means, there must, however, be still some causes of hesitation, which will prevent us, in many cases, from expressing a decided opinion. The sacred writers were mostly unlearned men, belonging to the lower walks of life, and knew little or nothing of any books but their own Scriptures. If Paul, perhaps, must be considered an exception to this remark, yet it is no less certain, that his learning was that of a Jew, and not that of a Greek; and although he quotes from two of the Greek poets,† yet there is little probability that he was acquainted with Grecian literature to any great extent. The language of the sacred writers, then, as a general fact, must have been that of ordinary life, acquired not from the study of books, but from the opportunities and necessities of personal intercourse. Now we cannot suppose, or at least we cannot be sure, that the written literature of Greece, which has come down to us, contains every word and phrase, that was current and of good usage in the spoken language. Hence, in regard to particular words in the New Testament, which are not now to be found in Greek authors, it would be too much to say, positively, that they are not Greek, and even good Greek; since, for aught we know, they may have existed in the spoken language, although they have not been preserved to us by the national writers. Were we to look through any one even of the best Greek writers, we should find, no doubt, many words and phrases, which occur in no other of them; but in such a case should we be justified in denouncing such words and phrases as foreign to the Greek? There is also another source of hesitancy, which regards the influence of the Hebrew. We allude particularly to what are described above as *imperfect* Hebraisms, comprising phrases and constructions,

* The Jews who lived out of Palestine and spoke Greek, were called Ἕλληνες; *Greeks*, or Ἑλληνισταί *Hellenists;* and hence the Greek spoken by them is called *Hellenistic.* This appellation is appropriate, if confined to the Jewish Greek, and to the language of the Fathers, which was in part derived from it. The term has sometimes been improperly extended, so as to include what is more appropriately called *the later Greek.*

† Aratus, Acts xvii. 28; and Epimenides, Titus i. 12.

which are common to both languages; less frequent perhaps in Greek prose, but occurring often in their poetry. It is denied by Winer, that the colloquial style of the New Testament admits of comparison with the poetry of the Greeks; since the nature and characteristics of the two must be wholly dissimilar. On this question we dissent from him. The language of common life is everywhere full of all those figures of style, which the rhetorician describes as constituting the very soul of poetry, and which the more sedate and tranquil character of prose avoids. It is marked by striking metaphors and strong hyperbole; by conciseness so abrupt, that a word often seems to convey a whole train of ideas; by frequent ellipses, where a word or a phrase is omitted, and the omission gives energy to the expression; by sentences begun, of which the conclusion is supplied only by a gesture or a look; in short, by all those characteristics, which accompany the vehement expression of emotion and passion. Now this is the very field, which poetry delights to cultivate. It is here she culls her choicest flowers, and gathers her most precious fruits. In those walks, especially, where poetry exhibits the overflowings of a fervid imagination and of passionate feeling, as in the lyric and dramatic style, the very beauty and charm of it consist in the fact, that the language is true to the natural and unrestrained expression of ordinary life. Why, then, may not the poetry of the Greeks be employed to illustrate the words and phrases of the New Testament, which are so manifestly drawn from the language of colloquial intercourse?

We are aware, that this mode of illustration may be carried too far; as was doubtless the case among the former advocates of Attic purity; but the result of it we think will be, that, so far as mere language is concerned, most of the constructions of the New Testament may also be found in the Greek dramatic writers, and in Pindar. It does not hence follow, that the sacred penmen derived them from those writers; but it does follow, that the characteristics of the language of ordinary life were common to the Hebrews and the Greeks, and that the loftiest poetry in both these tongues exhibits them in all their strength. So far as the writers of the New Testament are concerned, these peculiarities were probably derived from their native tongue; from the sublime conceptions and glowing expressions of their own poetry; and may, therefore, properly be termed *Hebraisms*; imperfect ones, no

doubt, but still Hebraisms, and that to a greater extent, we think, than Winer has been disposed to allow.

We have done with the philology of the New Testament, and pass now to the consideration of the means by which the *interpretation* of it is to be illustrated and supported. So far as these are independent of the mere signification and grammatical construction of words, they must principally be sought, as we have before remarked, in the peculiar circumstances of the Jewish nation; in their history, geography, and manners and customs; which last are connected with, and in part dependent on their language, religion, and philosophy. At the period, moreover, when the New Testament was written, the Jews were under the dominion of the Romans; and the frequent allusions of the writers to this political state, and to the character and customs of their haughty oppressors, render an acquaintance with the contemporary facts of Roman history and antiquities an object of essential importance.

The Jews were, indeed, a peculiar people; and their history, down to the close of the captivity, is spread before us with sufficient particularity in the books of the Old Testament. From that period until the birth of Christ, they were the sport of every great and every petty conqueror, who chose to direct his arms against them, or bend his course across their territory; and their fortunes were intimately connected with those of the surrounding kingdoms; with those of the Seleucidæ on the one hand, and of the Ptolemies on the other; until at length they fell within the iron grasp of Roman domination. Their particular national history during this period is to be found, partly in their apocryphal books, especially those of the Maccabees, and partly in the works of Josephus. As connected with foreign nations, the facts respecting them have been collected and arranged in modern times by Prideaux, and with still more care, and in a more condensed and attractive form by Jahn, in one of the parts of his great work on Jewish Archæology. On the events of the age in which Christ appeared, and in which the New Testament was written, the works of Josephus constitute a mine, which is yet far from being exhausted. As he was contemporary with those events, and in many of the most important a personal actor, he has described them with a fulness of detail, and a truth of coloring, which cast strong light upon the allusions of the sacred writers. The prominent political characters in the New Testament, of whom we there have only passing

sketches; the Herods, the Agrippas, Annas, Caiaphas, Pilate, Felix, Festus, and others; are here brought forward in bold relief, and exhibited in the full glare of all their vices and atrocious crimes. Were we to speak from our own conviction, we should say, that the comparison of the contemporary history of Josephus affords an irrefragable proof of the authenticity of the sacred books, and more extensive means for the illustration of them, than exists perhaps in any other quarter. He also narrates at length the Roman history, so far as it is connected with that of his own country; and the downfall of kings, the dismissals of governors and proconsuls, the intrigues, the dissensions, and the crimes of every species, which filled that unhappy land with violence and bloodshed, are all portrayed by him with the painful minuteness, and unquestioned fidelity of an eyewitness. It is proper to remark, that his accounts of the affairs of the Romans are generally confirmed, and sometimes elucidated, by the testimony of Tacitus, Suetonius, and others of their own historians.

Nor is a particular acquaintance with both the civil and physical geography of Palestine, and the adjacent territories, a matter of less importance, for the proper understanding and explanation of the books of the New Testament. Where there are so many allusions to the natural scenery of a region, and the reader is so often transported from one part of the country to another, he needs to become, as it were, an inhabitant of the land. He needs to be able to body forth in his own mind, that scenery in all its beauty and prominence; to behold as with his own eyes 'the glory of Lebanon' clothed with fir trees and cedars, and stretching his lofty ridges along the sky; to dwell with delight on 'the excellency of Carmel' crowned with verdure, and 'dipping his feet in the western sea;' to gaze on the lake, and the hills, and the valleys of Galilee; and to rove in imagination over the mountains and among the dells, which surround the sacred city, the queen of nations, and 'the joy of the whole earth.' Without some such power, it is impossible to enter into the spirit, and feel the full force of the narrative and the allusions. The names, indeed, meet the eye, and fall upon the ear; but they are the names of 'things unknown,' and destitute of 'local habitation.' Here, too, the climate is to be taken into the account. The early and the latter rain; the seed time and harvest; the dry and scorching days of summer, contrasted with the coolness and deep serenity of the nights, in

which the heavens seem lighted up with living fires; the parched earth, which drinks up the streams, and converts the mountain torrent into a bed of sand; all these are to be known and felt ere we can understand, in their full strength, the frequent references like those to 'a dry and thirsty land where no water is,' to 'the shadow of a great rock in a weary land;' or like those in our Savior's parable of the sower, or in his conversation with the Samaritan woman.

The civil and political geography of that age, though not less important, is more difficult to be ascertained. The grand natural traits of scenery and climate are permanent and unchangeable, and present at this day almost the very aspect, which they bore two thousand years ago; but all those features, which depended on the will of monarchs, or the power of nations, have, like those monarchs and those nations, crumbled into dust. The mutations of Palestine, in this respect, have been great; and they appear particularly so, when we trace the local divisions of the territory, from that first partition under Joshua, which is now perhaps inexplicable, down through the changes, which took place under the two kingdoms of Judah and Israel, and then through those which occurred after the exile in respect to the Jews and Samaritans, until at length the whole became subject to the Roman power. At that time Herod the Great was king over all the territory of the twelve tribes; but at his death, Judea and Samaria were given to Archelaus, Galilee and Perea to Herod Antipas, and the country northeast of the Jordan to Philip. When Archelaus was banished on account of his cruelties to Vienna in Gaul, Judea became a Roman province, and was governed by a succession of procurators, under the control of the proconsul of Syria. It was then assigned, as part of his kingdom, to Herod Agrippa the First, whose miserable fate is narrated in the twelfth chapter of the Acts. After his death, it was again governed by procurators, among whom were Felix and Festus. During all this time the boundaries of the province were often varied, by the addition or abstraction of different towns and cities. We have gone into this partial detail, merely to exhibit the confused and perplexed state of the territorial divisions of Palestine at that period, and to show that the investigation of the subject is attended with no little difficulty. If we add to this the similar state of Asia Minor, where it is perhaps impossible to trace with accuracy the limits of the different provinces; and also the

changes made by the Romans in the general divisions of Greece proper and Macedonia, where they affixed the ancient names to provinces and regions of far different limits; we may well suppose, that it is not the mere common reader who can accompany the sacred writers in their geographical details, or follow the great apostle of the Gentiles in his various journies.

Our information on these topics is to be gleaned, principally, from the treatises of Strabo and Ptolemy, and from the passing notices of contemporary Roman historians, and occasionally of Cicero and other writers; but especially, as it regards Palestine, from the works of Josephus. These furnish, indeed, but scanty materials; but they are all we have; and, taken in connexion with the facts derived from the New Testament, they enable us in most cases to come at satisfactory conclusions. The physical geography is best learned from the observations of modern travellers. Palestine is becoming every year more and more accessible; and the light which has been thrown upon its natural features by the reports of Seetzen, Burckhardt, Leigh, the American missionaries, and recently by Dr Jowett, and in the delightful 'Letters from the East,' has contributed much to impart spirit and interest to our conceptions of the scenery so often alluded to in the Bible.

The New Testament, as well as the Old, is, in its costume, a national book; national not only in the references, which it makes to the history and geography of the Jews, but also in those frequent allusions, which it contains to the manners and customs of the people; to their dress, their meals, their hospitality, their modes of salutation and habits of social intercourse, their houses, their agriculture, and above all, to the rites and ceremonies of their religion, which exercised an influence over their whole lives and conduct. The ancestors of the nation were wandering *nomades*, without fixed habitation; and their descendants, when they came out of Egypt, appear to have possessed a similar character, and to have closely resembled those Arabian tribes, which still roam, in the true spirit of oriental liberty, over the dreary deserts on the east and south of Palestine. Many customs the Hebrews had in common with those tribes; as, for instance, the rights of the *Goël* or avenger of blood, which are still found existing in the East in all their ancient strength, and which Moses was not able to abolish, but only to modify by the appointment of cities of refuge. But the national character of the Hebrews was framed and fixed by the institu-

tions of their great legislator; their religion, or its external requirements and prohibitions, pervaded every part of the daily occupations and intercourse of domestic and private life. They were to be a peculiar people, consecrated to God, and beloved of Heaven. Their institutions excluded them from all connexion with surrounding nations; and when in the lapse of time they mingled with the inhabitants of other countries, in the pursuits of commerce, or as the subjects of foreign dominion, still it was as the clean with the unclean, as the holy with the unholy. They neither ate nor drank with them, nor contracted alliances of friendship. Dispersed among all nations, they were yet separate from all nations. They stood aloof in their pride from all the world, as to this day they stand aloof.

It is needless to remark, that the character of the Jews, and their manners and customs, must be studied principally in the books of the Old Testament. There we have spread before us the original of all their institutions, the very code of legislation, which, in a great degree, formed their character, and established their national peculiarities. Interwoven as the precepts of their Scriptures were with the very texture of their thoughts and feelings, it is only by rendering ourselves familiar with those Scriptures, that we can at all enter into those thoughts and feelings, and comprehend the lofty pride and bitter prejudices of the Jew. Moreover, the religion of the New Testament is founded on that of the Old. Christ came not to destroy the law and the prophets, but to fulfil them; not to repeal, but to establish them with higher sanctions and more powerful motives. Hence, the New Testament is the image of the Old, in precept, in doctrine, in illustration, in language, and expression; it is built upon it, and forms part of the same structure. The former could not be understood without the latter; it would be unintelligible, both in language and in doctrine. Presented to the world in a later age, it naturally wears a different dress; the costume, indeed, is mostly Grecian; while the body, soul, and spirit, are altogether Hebrew.

In this connexion we would again advert to the study of the Hebrew language. We have already urged, in general terms, the cultivation of an acquaintance with the Scriptures in their original tongues; and have spoken of a knowledge of the Hebrew as essential to the accurate comprehension of the philology of the New Testament. But we would speak of it here, as one of the means of acquiring a familiarity with the genius and

character of the Jewish people, and of becoming imbued with an oriental spirit; without which it is apparent that the New Testament cannot be fully understood. We hold it to be almost an axiom, that the genius of a nation cannot be thoroughly comprehended and felt, without an adequate acquaintance with their vernacular tongue. It is this which constitutes one of their chief peculiarities. The language of every people contains words and phrases and modes of construction and expression, springing out of and adapted to their individual characteristics and exigencies; and which, when once introduced and fixed, exercise a controlling power in moulding and fashioning trains of thought and emotion in the plastic minds of the rising generation. The various languages of the earth are the channels through which the thoughts and feelings and passions of the different nations have burst forth upon the world; and to form a correct estimate of the peculiarities of those thoughts and feelings,—of those traits which make them what they are, and render them national in their character,—they must be viewed as they roll onward in those channels which they have formed for themselves. Demosthenes or Chatham could never have been eloquent in the language of France; nor could the gallantry and gracefulness of France find utterance in the unwieldy phraseology of Germany.

We would not assert, with the emperor Charles the Fifth, that the learning of a new language is the acquisition of another sense; but we have always felt that it was like the acquaintance of a new friend, imparting to us new ideas, and giving us new notions of life and manners. If we may speak from experience, we know of no process which exercises such an expansive power upon the mind, as the study of a language. It is turning over for us a new leaf in the book of human nature, and bringing us acquainted with the modes in which another nation thinks and feels. Besides, the literature of a people, which is only the embodying of their intellectual habits in form and expression, and which is shaped by their circumstances and characteristic traits, can never be accurately viewed through the medium of any language but its own; it can never be transfused into the speech of another country; or if the attempt be made, yet, like the native of a different clime, although it strive to speak another tongue, the features and costume evince at once its foreign birth. The literature of the Jews is in the Hebrew Bible; and if, as most of our readers

are aware, it is impossible successfully to transplant into our own language the literary works of contemporary modern nations; how much more groundless is the hope, that this should ever be done, with full success, in regard to the books of a people so remote in time, so unlike ourselves in all that gives individuality to nations, so distinct and marked in all that pertains to character and genius, so unexampled in the circumstances both of their glory and their fall.

But the claims of the Hebrew, and the treasures which it unfolds, would seem of themselves sufficient to stimulate inquiry and enchain attention. The most ancient of languages of which we have any records, distinguished for a simplicity unimitated and inimitable, and exhibiting forms of words and constructions perfectly dissimilar to all the occidental tongues and enstamped with the genius of oriental conception, it presents to the philologist a wide and fertile field, on which to employ his powers and gratify his predilections. Nor are the rewards which it proffers to the man of taste less rich or less important. If it be merit in a narrative, to place the scenes described before the very eye of him who reads, then have the Hebrew narratives this merit. We are present and mingle in the very scenes. We associate with the actors, we converse with them, we feel with and for them. They are to us like intimate acquaintances; they are ever in our thoughts, and objects of our present solicitude. If it be the province of poetry, to awaken in us thrilling emotions; to melt our souls in tenderness, or rouse them to lofty and impetuous feeling; to soothe our hearts by bland associations and images of loveliness, or enkindle within them high and holy aspirations; then does the poetry of the Hebrews take rank above all other poetry. The plaintive simplicity of the royal Psalmist, the sprightliness and beautiful imagery of the sons of Korah, the abrupt and energetic majesty of Isaiah, the exquisite tenderness and pathos of him who lamented over Zion, and the sublime and fervid flights of Nahum and Habakkuk, are without parallel in all that Greece or Rome can exhibit of beauty, or majesty, or pathos. But we forbear. These are but fruits and flowers which spring up by the way, and with which we may regale our languid senses. The object at which we aim lies far beyond; and the Hebrew, with all its attractions, is but an instrument, through which we are to arrive at a higher knowledge of divine truth.

We have spoken of the influence of the Jewish religion upon

the writers of the New Testament, and of the intimate relation which their works bear to the books of the Jewish Canon. We might now go on to speak of the philosophy which then prevailed, and to which the inspired penmen have made frequent allusions; and we might point out how far this philosophy exerted an influence on the religious views of that age, or on those more peculiar ones which are developed in the New Testament. But we must content ourselves with simply remarking, that it has ever been the fate of religion, when brought into contact with philosophy, to be subjected to fanciful speculations and metaphysical reasonings, which have distorted her features and arrayed her in fantastic garments, widely different from the simplicity and grace of her primeval character. Religion has uniformly been the sufferer by the unhallowed connexion; and very rarely has it been her lot to elevate or direct the aims and principles of philosophy. The three great sects of the Jews, the Pharisees, Sadduces, and Essenes, made their religion altogether dependant on their different philosophical opinions, in regard to which they were at irreconcilable enmity. Their separate views are given with some particularity by Josephus. Traces also of the Greek philosophy are visible in the apocryphal book of Wisdom; and the influence of it could not yet have passed away in the age of the apostles. The use of the term *Logos* by John presents a problem which has never yet been fully solved; and in whatever way it may ultimately be determined, it is obvious that the question embraces the whole range of Platonic philosophy; as well that taught by the distinguished founder himself, as that which flourished in the schools of his successors, the new Platonists of Alexandria.

Thus far have we attempted to specify some of the fundamental principles, and main branches of investigation, on which the appropriate interpretation and lexicography of the New Testament must necessarily rest. If we have at all succeeded in placing before the minds of our readers our conceptions of the extent and importance of the subject, and of the magnitude of the responsibility connected with it, we shall not have labored in vain. The cause of truth is great and will prevail; but it must be at the expense of great efforts, great perseverance, and great sacrifices. Whoever would sit down to make himself familiar with the Bible, and to know all that is to be known respecting it, must make this the grand purpose of his life; and even then he will find that 'wearisome days and nights are ap-

pointed unto him;' and that it is only in a world of purer light and clearer vision that he can hope to have all his doubts removed and his knowledge perfected.

We have left ourselves but a narrow space to speak of the works whose titles stand at the head of this article. The little tract of Professor Planck first opened the way fully to a correct estimate of the character of the style of the New Testament, and unfolded those philological principles of which the works of Wahl and Winer were intended to exhibit the practical application. Though of small dimensions, it is full of large views; and has exerted a wider influence in the critical world than all the ponderous tomes produced during the centuries of the Attic controversy. On this account, and as a specimen of acute and judicious criticism, we would fain hope that it may yet be republished in this country. The author has been for several years employed upon a Thesaurus of the New Testament, which shall contain the practical results of all his labors on this subject. This work, if his feeble health will permit him to complete it, cannot but be in the highest degree valuable and important; though from the specimens of it which we have had an opportunity to see, we should anticipate from it greater improvements in the philology, than in the interpretation of the New Testament.

The Clavis or Lexicon of Wahl is founded, as we have said, on the principles first unfolded by Planck, and on those general views of interpretation, which we have been attempting to develope. It was the object of the author to bring into a moderate compass the results of the latest and most extended investigations into both the philology and interpretation of the sacred volume; so that they might be made universally accessible, and be adapted to the daily convenience and habitual use of every student. The work was intended to embrace simply the *results*, without the *processes*, of investigation; with references to authorities sufficient to verify those results, should the student wish to prosecute his inquiries farther. That such is the plan best suited to the purpose which the author had in view, there can be little doubt; nor can we hesitate to say, that he has successfully accomplished that purpose. The object of a lexicon is not *commentary*—not the exhibition of a system of theology; it is designed simply as an instrument in the hands of the student, by which he is to aid himself in ascertaining the sense of a writer, and making out, practically if not formally, a commentary for

himself. To do this fully, he must of course go back to the same sources of information from which the Lexicon itself was drawn. In a work of this kind, moreover, a great deal of the merit must necessarily depend on the power which the writer may possess of condensing his thoughts, and expressing them in terms at once concise and perspicuous. In this respect, we think that a high rank must be assigned to Wahl; and that he is far removed both from the garrulous diffuseness of Parkhurst, and from that prolixity and unnecessary copiousness for which Schleusner is distinguished.

The work of Winer was designed to exhibit the application of the same principles to the grammatical structure of the language of the New Testament. It is as yet the only treatise of the kind; and like most of the author's other works, bears marks of haste both in the conception and execution. It contains many observations of great value; the general plan, and the internal arrangement and classification are good; and the principles are, for the most part, correctly stated and happily illustrated. On some points he has carried his views too far, and on some few he is probably erroneous. We look upon the work as one, which will impart new and important views to the students of this country, and serve to stimulate them to more extensive inquiry.

The manual of Bretschneider exhibits a less strict adherence to the general principles, which we have been discussing, and on which the works hitherto mentioned are exclusively founded. The illustrations are drawn more frequently from the Septuagint and the apocryphal books; and also from the apocryphal gospels collected by Fabricius, on the value of which we have already offered some remarks. The work as yet is comparatively unknown in this country; and, as we are given to understand, it has acquired in Germany also less currency than that of Wahl.

Before closing this article, we wish to say a few words on one other topic. The question is often asked, Why should we be indebted to foreign nations for our manuals and other books in sacred literature? Why, especially, should we be thus indebted to Germany, and not rather use the helps, which the English language affords? To the first part of this question we may answer, that it would be needless labor to toil at the composition of elementary books, when such as we want exist already in another country, and can be introduced among us at the expense, at farthest, of mere translation. Besides, in the

pressing demands of this country for active labor, there are very few who have leisure to qualify themselves in the best manner for such undertakings; and of those few, there are probably none, whose time and talents are not devoted to a different and not less important portion of the same field. In regard to the latter part of the question, we have no hesitation in saying, that we take German books, because they are the best for our purpose. In that country, literature of every species is a profession; and there are profound scholars, who are constantly occupied in the processes of instruction, and are therefore able to feel the wants of pupils, and qualified to supply them. With their loose and fanciful speculations, we have nothing to do. We know, that in religion and philosophy they hold, as in other things, the 'empire of the air;' and that the views of many of their writers on both these subjects are erratic; and knowing this, we may be upon our guard. Give us English books of equal value, whether Grammars, Lexicons, or Commentaries, and we will gladly discard the German writers. Such a course would relieve us from much labor, and would exempt the cause of sacred literature from much reproach. But until this is done, or until we have among ourselves more men of talent and research who can devote themselves to this object, they who are in earnest in pursuing these studies, must seek the best helps wherever they are to be found, and however much they may be encumbered with extraneous speculation. We would not, without cause, speak lightly of the present state of sacred literature in England; but it may well be supposed, that at least they are not far in advance of this country, when it is known, that the works of Parkhurst are still the standard helps for the study of both the Greek and Hebrew Scriptures. On this topic we would only adopt the words of one of their own very few scholars, who are competent to pronounce a correct decision on this point. We allude to Professor Lee of Cambridge, himself a most signal instance of genius triumphing over all obstacles and all discouragements. In the preface to his translation of Henry Martyn's Persian tracts, he holds the following language; on which we would merely remark, that it applies to the New Testament as well as to the Old, though his subject led him to speak only of the latter; and which we would especially recommend to the notice of those who insist upon the use of English commentators, to the exclusion of those of Germany. 'No book, with which I am acquainted, stands so

much in need of elucidation, as the Hebrew Bible. From the times of Grotius to the present day, I believe we can find scarcely one original commentator. And many, even of his remarks, have been borrowed from the Jews. The Dutch and German Commentaries are the books most worthy of the scholar's regard; but many of these are such, as to make it a question, whether they should be recommended or not. Nothing, if we except the dreams of Hutchinson, has come out in England for the last hundred years, in the shape of original investigation. Compilation has long been the order of the day; and names, respectable indeed and valuable in their time, are now appealed to as the only safeguards against innovation, or as instructers in the way of truth. In almost an universal dearth of Scriptural knowledge, this is not to be wondered at; nor is it to be condemned. It is, without doubt, the best and safest path. But it should not satisfy the minds of those who have both ability and opportunity for making further progress. And as the character of the times in which we live calls for such exertion, it is to be hoped, that the call will not be disregarded.' To a testimony like this, we cannot wish to add a single word.

ART. VI.—*Analytical Outlines of the English Language, or a cursory Examination of its Materials and Structure, in the form of Familiar Dialogues, intended to accompany Grammatical Studies.* By JOHN LEWIS. Richmond. Shepherd & Pollard. 8vo. 1825.

THIS is a work of some novelty, and evidently proceeds from a thinking, rather than an imitative mind. Though the author complains of the want of access to a very extensive library, he has certainly made a good use of those books (and they are among the best for his purpose), which he was able to command, and has approached and pursued his subject unshackled by any preceding system. We have not so much confidence as some, in the magical efficacy of dialogues, or conversations, regularly penned and printed, in gaining the attention of pupils, or imparting the instruction which such writings are intended to convey. Though called, and intended to be familiar, they

are usually couched in phrase too elaborate for the pupil; and for the teacher, they are a kind of labor saving machinery, on whose operation he may repose with too much confidence, and task his own intellect too tenderly. The dialogues and conversations which rise out of the daily lessons of the learner, if he is properly encouraged by his master, will be the true familiar dialogues, and will prove the most instructive. The teacher will perceive exactly how far he is understood, and will learn to vary his explanations, till he finds he has acquired the art of adapting them, in each case, to the comprehension of his scholars. Besides, there is something rather too alluring in the name of dialogues or conversations. It is calculated to raise an expectation of entertainment too high to be gratified, upon subjects abstruse in their nature; and disappointment is a sore thing to children and youth; an evil for which our ingenuity is sometimes taxed to the utmost to devise a remedy.

We feel bound to commend the modesty of Mr Lewis, in proposing his work merely as an accompaniment to grammatical studies. This modesty is the more deserving of praise, as it comes in contrast with the pretensions of some of his predecessors in a similar walk, who, from their supposed discoveries, or the novelty of their writings, have claimed for them a measure of praise paramount to that which belongs to the productions of all other philologists. This is a kind of charlatanry peculiar to no age. We recollect to have seen the title of a book, written by an obscure Englishman, in the seventeenth century, which runs thus; 'The art of signs; or a universal character and philosophical language, in which men speaking different languages, may be able, by studying it for the space of two weeks, to express their thoughts, either by writing or speech, no less intelligibly than individuals of the same community in their vernacular tongues; by which also the young may acquire the principles of philosophy and true logic, with much greater ease and despatch, than from the common treatises of philosophers.' This is a climax of arrogance, that is seldom equalled; but in some of its parts, we can find instances of too near resemblance, in more recent times. But let us return to the subject immediately before us.

Mr Lewis considers the process of induction the readiest way of acquiring the right use of words; and to a certain extent, no doubt, he is right. But perhaps every one is not sufficiently aware, that this process begins with the very dawn of

intellect; that the child has made some advances in it, before he can utter an articulate sound; and that he has made very great advances, before he is capable of understanding any classification of words, or any rules of construction. This process we say is always going on, liable indeed to be erroneous in numberless instances, but always progressive, without any consciousness, for a long time, on the part of the individual, of the steps by which he is acquiring his knowledge. The instructer may come forward in aid of the work, but it will proceed without him, and it cannot be checked. Now it is a great achievement of the philosopher, who has come to understand the use of induction, to make it serve as the ground of a just classification, in any art or science. And this is precisely what has been done (whether as perfectly as it can be done, or not, is foreign to our present purpose) in grammar. We will now see, by quoting Mr Lewis's remarks on this subject, how far we differ from him.

'The classification of words is of little consequence, except as it facilitates or impedes our acquaintance with them, and increases or diminishes our power to use them correctly. Do the present names of the parts of speech, and their present classification, aid us so much in these respects, as they limit our inquiries to common resemblance in general signification? Can any other knowledge of words, than their individual import, enable us either to understand or to employ them properly? I know that pupils, by the observance of analogy, may parse sentences grammatically, and at the same time may be entirely ignorant of their meaning. Is not the system plainly defective, when its terms and classification lead to this result; and should evils, so fatally adverse to its grand design, be permitted to remain? It may appear rash and presumptuous to censure a system, which is, in some sort, consecrated in our eyes by habit and long use, or to threaten with innovation and change, a nomenclature, which is associated with our earliest ideas of what is right and proper. But truth has nothing to fear from free and candid discussion.' *Preface*, pp. 10, 11.

The wisest men are sometimes so far seduced by a theory, as to look with too suspicious or jealous an eye upon everything foreign to it. If we are not deceived, this is the case with our author; for we can perceive no occasion for hostility between the inductive system, so far as he has applied it, and the common classification and arrangement of words in the grammars of

the European languages. He seems to apprehend, that where technical grammar begins, the process of induction must end. But this is by no means consonant with our notions on the subject, or with what we have learned from experience and observation. The two primary requisites for writing or speaking intelligibly are; first, The using of words in their true meaning; and, secondly, Arranging them in their true grammatical construction. The first is acquired by gradual induction, which may be accidental and imperceptible, or the result of labor and investigation; but the second is more mechanical, and great assistance is obtained from common practical grammars, whatever objections may be made to the multifarious division of words into parts of speech, as they are called, and whether that division is founded in radical or in accidental differences. We feel no bigoted attachment to the common nomenclature in practical grammars, either as it regards the number of classes into which words are divided, or the names that are applied to them. Nor have we any objection to change, in regard to the definitions of the different parts of speech, if they can be made more descriptive or more distinctive. The number of classes into which words are divided, is much the same in all languages of the same family; and it is desirable that it should be so, and that no important reform should be undertaken without the consent of the whole fraternity. If the learned of each nation should indulge their own caprice in this respect, which should lead to important differences, it would take away one of the greatest facilities for learning foreign languages. It would be no apology for change, that the present classification of words is not founded in the true philosophy of language; for it is founded in something much more important, in usage, that *norma loquendi*, to which must be the final appeal in everything pertaining to language, whether within the province of grammar, logic, or rhetoric.

It appears to be a sound axiom in every art or science, that whatever has an appropriate office, should also have an appropriate name, and that it should be as descriptive as possible. The rhetorician, who writes for the instruction of others, would ill perform his work, without giving names to the various sources of pleasure to the imagination, the different kinds of figures of speech, and the divisions of an oration. The logician must assign names to the different modes of reasoning, in which he would indoctrinate his pupil; and the grammarian is obliged, as

difficult as it may be, to give a name to each class of words, which has a common constructive use in the formation of a sentence. Objections have been made, and not without reason, to some of the names employed in practical grammars, for this purpose. But in this, as in many other cases, it is easier to point out the evil, than to discover and apply the remedy. And though we would not stigmatize as empyrics, all who have labored to do this, yet we may be allowed to call in question their skill, if it is to be decided by the success of their endeavors. The term *pronoun*, for instance, is objected to by Mr Webster (of whose learning we would always speak with respect), because it is not descriptive of the whole office of that part of speech, since it often stands for something more than a noun. But the word *substitute*, for which he proposes to change it, seems more objectionable; for while the term pronoun denotes the primary and common use of the class of words it embraces, the term substitute is vague, and does not show that such words have any more relation to a noun, than to an interjection. We are fully aware of the imperfect manner in which the names and the definitions of different sorts of words are applicable to them; and the only question is, whether they are the best that can be found. In all languages in which *articles* are known, we perceive a peculiar use, which entitles them to a distinct name and place. The name, however, is merely technical, and a definition cannot be framed in such a way as to distinguish the article wholly from the adjective, or those pronouns, which are used adjectively, and called definitive or demonstrative. *Noun* or *name* is too general, because it belongs equally to the substantive and adjective. These last names, as well as *verb*, are appropriate enough, as technical terms, and can be sufficiently well defined for all practical purposes. Indeed we have never seen any attempt to improve the commonly received division of words, for the purposes of elementary instruction, which was at all satisfactory, nor any arguments sufficiently powerful to persuade us, that the present classification should be abandoned. Even if we admit that a nomenclature, a little more descriptive could be formed, no real benefit could result from the change, since, after all, the definitions and remarks must show the greater or less extension in which names, that are merely technical, are to be understood.

Mr Lewis displays much ingenuity in the execution of his work, and avails himself of many pleasant illustrations to recom-

mend his analysis, and take off from the dryness of what would otherwise be purely philosophical and preceptive. His commentaries sometimes go a little beyond the boundaries of grammar, into the borders of logic and rhetoric; but this is a trespass, which it is so difficult to avoid, and the extent of which it is so difficult to determine, that it calls for no severity of criticism. There is a great deal in this analysis, which must be useful for teachers, and it contains much explanation similar to what the most intelligent teachers of grammar will always be led to apply in the course of their instructions.

Though not perhaps one of the most devoted, we fear Mr Lewis is rather too fervent a worshipper of John Horne Tooke. It has been the fashion among the disciples of this distinguished man, to disparage the works of all preceding grammarians; to consider them as ignorant and blind guides, and to predict a total reformation in this department of learning. Paradoxical as it would seem to be, that all our practical grammars, founded upon language as it actually exists, should not only be miserably defective, but mischievously erroneous, such they have been confidently affirmed to be; a paradox equally as absurd as that of Swift, when he remarked, that 'in many instances the English language offends against every part of grammar.' And why is it that the English grammars of the last century maintain their ground, so that all subsequent to them are substantially the same grammars, somewhat more extended, and abounding more in illustration, but differing little from them in principles or modes of execution? It is because common sense has prevailed over ingenious theory, and shown itself competent to distinguish between speculative and practical philosophy; between a theory, which may stand or fall without any perceptible effect upon language, and a useful classification and system of rules, which every one may comprehend and apply as soon as he has occasion for them. Much of the idle talk that has prevailed on this subject, has grown out of the false supposition, that all discoveries concerning the formation of language have, not an indirect, but an immediate bearing upon our knowledge and use of words. But nothing is farther from the truth. The history of the formation of languages is very curious, and we are far from denying its utility. But to say that a writer or speaker must explore these profound depths before he can skilfully compose in his vernacular tongue, is much the same as to maintain that an artisan must be acquainted with the origin and all

the successive improvements of his tools, in order to use them with dexterity. If one is already furnished with a fine, copious apparatus of all conceivable varieties of words, which custom, aided by the rules founded upon it, has taught him how to use, he may be much entertained by being told how the first man and woman talked in pure nouns substantive, and how that out of these grew all the refinements and all the 'corruptions' of speech; but it is difficult to perceive, let him trace down his inquiries ever so far and faithfully, how it is to operate any change or improvement in his vernacular language.

The philological writings of Tooke were welcomed as the production of a discoverer. He was not anxious himself to declare to the world, that he was indebted to any pioneer who conducted him in his course, and opened to him the secret recesses, whence he brought forth his marvellous lore, to the astonishment of many a novice, as well as of some grammatical antiquaries. But it was unworthy of a man of such distinguished intellect, either to build on another's foundation without acknowledging the fact, or to come forward with a prologue, when he first appeared on the stage, in a new character, filled with expressions of contempt towards all who preceded him in the same province. It was no discovery of his, that the noun and the verb are the primary and principal, if not, strictly speaking, the only parts of speech. This division can be traced to Aristotle, and was followed by Plato, though the Stagyrite, in one of his popular works, added the connective and definitive. The knowledge of this division, of which the great English philologist could not be ignorant, for it had been brought forward by one of his own countrymen, who did not escape his notice and ridicule, might have led him to inquire how to dispose of other words difficult to be managed. By a course of analysis and induction, which had never before been carried far in the English language, he procured a sort of triumph, which we shall presently see how far he deserved.

The ancient and simple division of words, to which we have adverted, is the most convenient for philosophical inquiry. The noun, first in the order of nature, embracing in the origin of language the names of material and sensible objects, thence advancing to the names of their qualities, and from these to abstract formations, exhibits a process which is at the same time probable as to fact, and easily understood. Articles and similar definitive words, for emphasis or limitation, must have been of slower

growth; and perhaps still later, those substitutes for nouns, which prevent the necessity of continually repeating the names of persons and things. But the greatest difficulty presents itself, when we come to the verb. Its primary use, in contradistinction from other words, is to affirm something; and the kind of affirmation is as various as that of the signification of the words, which are so placed as to perform that office, or as that of the adjuncts by which anything is attributed to the subject. So complex, however, has it become by its changes for persons, moods, and tenses, all of which we associate in our notion of the verb, that it is difficult to separate what is accidental from what is radical, and for practical purposes it is useless to attempt such a separation. Most zealous controversies have been carried on concerning this subtile part of speech; and though it seems hardly credible, that dry grammarians, who have been so often coupled with commentators, those 'poor pioneers in literature,' that drag forward

> A wagon load of meanings for one word,
> While A 's deposed, and B with pomp restored,

should have spirits so excitable as to engage them in very serious quarrels; yet there are stories told of some of the combatants, manifesting more ferocity than we can well imagine. Tooke's hostility towards the grammarians from whom he differed, discovers itself rather by ridicule than ill nature, though the latter appears to be one of its ingredients. In the commencement of his Diversions of Purley, he favors the ancient division of words into nouns and verbs, without asserting that they have anything in common, except what has been acknowledged by all grammarians. At the close of his book, however, he asserts that a verb is, as every word must be, a noun, but that it is also something more; and that the title of verb was given to it on account of this distinguishing *something more*. But without proceeding to explain his meaning, he quotes, in the person of his friend, ten definitions of a verb, and then, as if weary of the work, he quits them with a sneer, and abruptly concludes his book. Mr Lewis follows in the same train.

'The conclusion to which our analytical investigations have led us, is, that the noun, physical and metaphysical, is the material of which all the words of all languages have been formed. The different parts of speech into which the English language is divided, we must therefore consider as subdivisions of one class.' p. 155.

From childhood we have been taught, in learning different languages, to ascribe to the verb a great variety of changes by inflexion or auxiliary words, and to consider these changes as inherent properties. But it is a fair subject of inquiry, whether these changes are essential or accidental; whether they may not have arisen from gradual abbreviations in discourse, by means of which, either through arbitrary inflexions, or the composition of different words, so as to be pronounced and written like one, the several circumstances of person, time, &c. may be concisely expressed. If no radical word can, at the same time, mean more than one thing, it follows of consequence, that, when a word comes to signify something additional, it must be done by arbitrary or conventional changes, or by a significant compounding of words. There is nothing mysterious in this, and we can perceive no other solution of the difficulty. Jones, in his Greek Grammar, and some writers on Hebrew grammar, have attempted to dissect the verb, in order to find its composition and materials, and have discovered as much as one could expect would be found by such a process. It would, however, be expecting too much, concerning a very complex kind of words, in a remote age, that the history of their formation should be ascertained. It is the part of true philosophy to rest satisfied with a theory, which accounts for the fact, and which cannot be disproved. It will be readily perceived how easy it is in our own language to convert a noun into a verb. The recipe is very simple; it is only to assign to the noun the place of the verb, and to put a personal pronoun before it, and it will at once become a verb, submitting to all its changes. For proof of this, we cite a few examples from Shakspeare, who took unbounded liberties of the kind. Thus, in the pronoun itself; 'If thou *thouest* him a few times, it will not be amiss.' In his Henry the Eighth, it is said of Cardinal Wolsey,

> His own letter only
> Must fetch in whom he *papers*.

So in reference to a certain calamity; 'This *periods* his comfort.' Again, 'Come, *sermon* me no farther.'

> Is this the Athenian minion whom the world
> *Voiced* so regardfully?

To liberties of this kind it is impossible to fix any precise boundaries. If any words are introduced in this way, which are unauthorized by customary usage, they may be received or re-

jected at pleasure. If the traveller in the stage coach, in order to save words, chooses to write in his memoranda, that he *booked* himself for Worcester; or the farmer tells his neighbour, that he has *barned* all his hay; or the collegian informs us, that he *rooms* at Smith's, or *chums* with Williams, it may be very good economy of words, but it is better always to confine such phraseology to conversation or private diaries.

Some great reform in grammar has been a desideratum among certain speculative philosophers, ever since the time of Bacon; such a thorough investigation of the nature, use, and signification of language, as to remove that uncertainty which hangs over it; such a metaphysical and analogical arrangement of words and thoughts, in corresponding harmony, as to clear up all logical and grammatical obscurity. One would suppose, that their wishes must have been much more concerned in this business, than their hopes; though the project was stated with great apparent seriousness by Bacon, and reiterated with much seeming gravity by Leibnitz, Le Clerc, and Hartley. But it supposes a degree of perfection in the human understanding wholly unattainable; an ability to class ideas and their objects so unexceptionably, as to command the concurrence of all reasonable and reasoning men; and a certainty in the signs of thought so complete, that they cannot be misunderstood. The expectation of accomplishing all this is truly delusive, and anticipates changes in the physical and intellectual world far beyond what our most flattering notions of progressive improvement authorize us to predict. Locke had some vague notions concerning a reformation in language, rightly concluding, that if its imperfections, as the instrument of knowledge, could be remedied, 'a great many controversies, that make such a noise in the world, would of themselves cease; and the way to knowledge, and perhaps peace, too, lie a great deal opener than it does.'

It was justly complained of, by this great philosopher, that the part of grammar, which embraces particles, had been so much neglected. And this hint has probably had its effect in producing the increased attention, which has been paid to them by critics and grammarians since his time. Locke, though he is accused by Tooke of mistaking the nature of his own elaborate treatise, and of writing merely about words, when he imagined himself employed upon researches into the human understanding, despatches the subject of particles in a very short compass,

concluding with the hope, that it may give occasion to reflect upon their use and force in language. While intellectual philosophers have disclaimed all obligation to trace their derivation and settle their meaning, grammarians have too often considered them as words of little consequence, whose construction and general import it is important to settle, but whose etymology is not much to be regarded. Without them we can express common truths in short axioms and direct assertions; but in order to frame hypotheses, and to connect propositions, on whose relation our reasoning may depend, to modify what is not absolute, and to disjoin things which must be distinguished from each other, the metaphysician, no less than the grammarian, must perceive how necessary they are. The metaphysician, especially, must be convinced, that all this cannot be done by means of words insignificant in themselves, and will gladly avail himself of the aid of the etymologist, so far as any light may be thrown on their true meaning. The derivation of these kinds of words is matter of curious inquiry; and finding that nouns and verbs are the basis of all discourse, and being able also to trace the origin of many particles in various languages to these primary parts of speech, it is not wonderful that certain philologists have deduced a universal conclusion from numerous examples, and have inferred that all those words, which are called adverbs, prepositions, and conjunctions, are abbreviations merely, and are derived either immediately or remotely from nouns and verbs.

Tooke, in his Diversions of Purley, maintained this theory in its full extent, and, in support of it, he showed great ingenuity, and took unwearied pains to investigate the origin of the English particles. From the manner in which his name has often been mentioned, it seems to have been supposed, that he was the author of a new method of etymological research; that he pursued a trackless course, without a guide to conduct him; that he was carried forward to discovery by his own resistless curiosity; and that he was enabled to develope the truth, amidst all the darkness with which it was surrounded, by his own unaided sagacity. According to his own assertion, his conclusions were not deduced from individual examples, but his general reasoning *a priori* led him to the examination of particulars. The operations of his mind must have been of an extraordinary nature, or, on the other hand, very deceptive to himself; for, his reasoning having regard to the use of words themselves, and not to

abstract notions, it would have been remarkable if those very words, to which his inquiries were directed, were not as well the occasion as the basis of his reasoning. An uncharitable critic might suspect, that he was led to make the assertion, to which we have alluded, from a wish to secure to himself the undivided reputation of a discoverer in the region of etymology; and that he expected, by his boldness, to repel the charge of having derived any hints from those who preceded him; from Scioppius, Vossius, or Perizonius; from the Messrs de Port Royal, or from Skinner. But through his long and elaborate solution of the word *that*, in its supposed conjunctive use, it seems hardly credible he should have been ignorant, that the Messrs de Port Royal had gone over the same process with *quod*, and had come precisely to the same result. The word *if*, he says, was examined by Skinner before him, and accounted for in the same manner; but, he adds, he knew it not till after he had completed his own investigation. By tracing the conjunctions to their primitives, the multifarious divisions of them would be superseded by such as are founded in the sense of the original words, which sense is now frequently unperceived or overlooked. Suppose, for instance, that, in Greek, the particle εἰ comes from the imperative ἴθι, contracted ἰ, of εἶμι; that in Latin *si*, *sin*, are from *sine*, imperative of *sinere*, or more probably from *sit;* and that in English, *if* is from the Saxon imperative *gif*, of the verb *to give;* we have a very good reason, founded in the signification of the original verbs, why they should imply condition or concession. In the verb *licet*, we perceive an example of direct appropriation, from the verb that denotes allowing or permitting, to a different use as a conjunction, but implying as before the concession or granting of something. And the equivalent word in English, *though* or *although*, is derived from an obsolete verb of similar signification.

Many of the English conjunctions are satisfactorily traced by Tooke to nouns and verbs. The same is done in regard to prepositions, which, he observes, as well as conjunctions, are to be found among the other parts of speech. 'The same kind of corruption' (a favorite word of his to denote every refinement and change) 'has disguised both conjunctions and prepositions; and ignorance of their true origin has betrayed grammarians and philosophers into the mysterious and contradictory language, which they have held concerning them.' He has

pursued his investigations further in respect to prepositions as well as conjunctions, than any one who preceded him; and has thus been enabled to point out more exactly the kind of relations which they denote, and in some degree to diminish the vague notion commonly entertained concerning them, which is not removed by the usual manner in which they are treated even in philosophical works on language. It had been discovered long before his time, that some of the prepositions had their origin in nouns and participles; but this was considered as an accident, which accounted for a few only, and the great mass was supposed to constitute a class of words whose derivation was either obscure or wholly unknown, and whose signification not being inherent, was pointed out by the relation in which each one stood to other words. It is not surprising, that advantage should be taken of the seeming contradiction of grammarians on this subject, who, while they acknowledge that these words denote relations primarily of place, and afterwards those of a moral nature, deny that they have any independent signification. It is from such unfortunate mistakes, rather than from any defect in their general principles of analysis, that Tooke often claims, and that we cannot forbear to concede to him a triumph over men of great learning and acuteness. And yet we cannot always restrain an emotion of disgust at the mean and petty quibbles, the weak and puerile gasconade, that pervade his writings, whenever he conceives that he has detected an instance of mistake or of ignorance in his predecessors.

The adverb no less than the conjunction and preposition were traced by the same author to the other principal parts of speech. And here certainly he could make no fair pretensions to novelty in his researches, though he was the first etymologist who extended his inquiries to any great variety of words in the English language. The limits of that class of words called adverbs, have never been very precisely defined. An old Latin grammarian observed, that whenever a word deviates from its ordinary manner of signifying, it passes into an adverb; and from the custom of giving this name to all words, that cannot elsewhere be classed, it is called by Tooke, 'the common sink and repository of all heterogeneous and unknown corruptions.' The author of the Port Royal Latin Grammar traced a large number of the Latin adverbs to their origin; some of which are found to be certain cases of obsolete nouns, and some, relatives or verbs either entire or abbreviated, in composition with other words. In Tooke's

writings we find, as well in regard to adverbs, as concerning the other particles, a very minute examination of some of those words whose derivation is obscure, and whose origin had not been discovered. This examination is followed, as might be expected, with various degrees of success; for though it is frequently satisfactory, it is sometimes only probable, and sometimes altogether fanciful. His laborious researches into the origin of particles were confined chiefly to the English language; but though they were thus limited for the most part to a single language, they appear to have been sufficiently arduous. He travelled through the barbarous regions of the north; disturbed the Saxon and Gothic remains; came back again, and intermeddled with the chaotic English of the fourteenth century, and pursued the abbreviations in discourse amidst all their corruptions, and in all their gradations and varieties through the mire of Chaucer, the harsh numbers of Gawin Douglas, and the crudities of Sir Thomas More, down to recent times. Having done all this, the conclusion from the whole, in his opinion, is, that 'there is no such thing as an adverb, preposition, or conjunction in any language; and that most of the words so called, may, by a skilful herald, be traced home to their own family and origin, without having recourse to mystery and contradiction with Harris, or with Locke cleaving open the head of man to give these words such a birth as Minerva's from the brain of Jupiter.' In all this, however, it must be observed, and in more like it, he has much voluntary contention with imaginary adversaries, and phantoms of his own raising.

As we have been led to this general view of the theory and actual researches of Tooke, which were in some degree novel, and which are certainly very ingenious, we shall subjoin a very few remarks on their utility. If we measure his deserts by the number of words that he has traced to their primitive parentage, and admit that he is correct in his genealogies, we must confer on him the praise of being a more thorough etymologist than any who preceded him upon the English language, so far as the origin of particles or abbreviations in discourse is the subject of inquiry. His labors in this province, as they were accompanied by a considerable share of success, so also they are to a certain degree useful. But, like every discoverer, he was disposed to overrate the value of what he had found by his toil and perseverance, and sometimes to insist upon the practical utility of what serves rather to gratify curiosity, than to impart any new

power to words, as instruments of thought, in promoting the perfection of discourse. In cases where the derivation of words is such, that the sense corresponds with what custom has established, it yields some satisfaction to a philosophical critic to be able to vindicate custom by the aid of etymology. But he can proceed no farther. He can indeed always avoid what he conceives to be wrong in the use of words, but his authority will not be sufficient, in defiance of general usage, to adopt that, which, by etymological speculation merely, appears to be right. Established usage, therefore, must be the test of criticism. For of what consequence would it be to the scholar to know, that *cur*, in Latin, is an abbreviation of *cui rei*; *deinceps*, of *dein* and *capio;* that in English, *if* is derived from the Saxon imperative *gif*, and that *for* is corrupted from the Gothic noun signifying *cause*, if the idiom of the respective languages in which these words are found were not a sure guide, from whose direction we can scarcely deviate by accident, and should always be unwilling to deviate by design. In learning to write or speak a language, our object is to conform to the genius and idiom of that language, determined by those who write and speak it in the best manner; and if, in the zeal of showing our discoveries, we should reject everything that does not comport with what we find to have been the original use of terms, and endeavor to settle everything in speech by an exactly graduated genealogical scale, we should merely gratify a foolish vanity at the expense of convenience, and the hazard of ridicule and contempt. The thorough going etymologist may feel in a sad dilemma in his use of words when he finds them to be a corrupted issue from their northern ancestors; but for ourselves, the alternative is neither alarming nor difficult, when we are driven to the choice either of corrupting the Teutonic, or our good vernacular English, as it has existed for more than a century past.

If we should seem to have wandered out of our way, the only apology we can make, is, that we have followed whither we were led by Mr Lewis; and probably it has been more amusing to us, than it will be to most of our readers, to pass cursorily over a ground, which few are tempted to explore. We are not often called upon to examine works of this kind, proceeding from our own citizens; but they are not the less welcome because of their infrequency. There is no reason why we should not cultivate philology, and particularly our vernacular language, as much as if we were English born. And while we are so

often called to welcome the various productions of our statesmen and professional men, they in turn will not look contemptuously upon learned and ingenious philologers, to whom they owe some obligations, for their critical labors. We may fairly apply to every species of eloquence and oratory in our own language, what Cicero remarked concerning his; *Solum quidem et quasi fundamentum oratoris vides locutionem emendatam et Latinam.* By conforming to his own rigid maxim, we never find either that his sentiment was impoverished, or that his vehemence was checked, or that his imagination was held in durance and chains.

ART. VII.—*The Songs of Scotland, Ancient and Modern; with an Introduction and Notes, Historical and Critical, and the Characters of the Lyric Poets.* By ALLAN CUNNINGHAM. In four volumes. London. 1825. 12mo.

IT is remarkable, that poetry, which is esteemed so much more difficult than prose among cultivated people, should universally have been the form which man, in the primitive stages of society, has adopted for the easier developement of his ideas. It may be, that the infancy of nations, like that of individuals, is more taken up with imagination and sentiment than with reasoning, and is thus instinctively led to verse, as best suited, by its sweetness and harmony, to the expression of passionate thought. It may be, too, that the refinements of modern criticism have multiplied rather than relieved the difficulties of the art. The ancient poet poured forth his *carmina incondita*, without any other ambition than that of accommodating them to the natural music of his own ear, careless of the punctilious observances, which the fastidious taste of a polished age so peremptorily demands. However this may be, it is certain, that poetry is more ancient than prose in the records of every nation, and that this poetry is found in its earliest stages almost always allied with music. Thus the Rhapsodies of Homer were chanted to the sound of the lyre by the wandering bards of Ionia; thus the citharœdi of the ancient Romans, the Welch harper, the Saxon gleeman, the Scandinavian scald, and the Norman minstrel, soothed the sensual appetites of an unlettered

age by the more exalted charms of poetry and music. This precocious poetical spirit seems to have been more widely diffused among the modern than the ancient European nations. The astonishing perfection of the Homeric epics, makes it probable, it is true, that there must have been previously a diligent cultivation of the divine art among the natives.*

The introduction of the bards Phemius and Demo'docus into the Odyssey, shows also that minstrelsy had long been familiar to Homer's countrymen. This, after all, however, is but conjecture, as no undisputed fragments of this early age have come down to us. The Romans, we know, were not till a very late period moved by the *impetus sacer*. One or two devotional chants, and a few ribald satires are all that claim to be antiquities in their prosaic literature.

It was far otherwise with the nations of modern Europe. Whether the romantic institutions of the age, or the warmth of classic literature not wholly extinguished, awakened this general enthusiasm, we know not; but no sooner had the thick darkness, which for centuries had settled over the nations, begun to dissipate, than the voice of song was heard in the remotest corners of Europe, where heathen civilization had never ventured; from the frozen isles of Britain and Scandinavia, no less than from the fertile shores of Italy and Provence. We do not mean, that the light of song was totally extinguished, even at the darkest period. It may be faintly discerned in the barbaric festivals of Attila, himself the theme of more than one venerable German romance; and at a later period in the comparatively refined courts of Alfred and Charlemagne.

But it was not until the eleventh or twelfth century, that refinement of taste was far advanced among the nations of Europe; that, in spite of all the obstacles of a rude, unconcocted dialect, the foundations and the forms of their poetical literature were cast, which, with some modification, they have retained ever since. Of these the ballads may be considered as coming more immediately from the body of the people. In no country did they take such deep root as in Spain and Scotland; and although cultivated more or less by all the northern races, yet nowhere else have they had the good fortune, by their own intrinsic beauty, and by the influence they have exerted over the popular

* Nec dubitari debet quin fuerint ante Homerum poetæ. *Cic. Brut.* 18.

character, to constitute so important a part of the national literature. The causes of this are to be traced to the political relations of these countries. Spain, divided into a number of petty principalities, which contended with each other for preeminence, was obliged to carry on a far more desperate struggle for existence as well as religion, with its Saracen invaders; who, after advancing their victorious crescent from the Arabian desert to the foot of the Pyrenees, had established a solid empire over the fairest portions of the peninsula. Seven long centuries was the ancient Spaniard reclaiming, inch by inch, this conquered territory; thus a perpetual crusade was carried on, and the fertile fields of Andalusia and Grenada became the mimic theatre of exploits similar to those performed by the martial enthusiasts of Europe, on a much greater scale, indeed, on the plains of Palestine. The effect of all this was to infuse into their popular compositions a sort of devotional heroism, which is to be looked for in vain in any other. The existence of the Cid, so early as the eleventh century, was a fortunate event for Spanish poetry. The authenticated actions of that chief are so nearly allied to the marvellous, that, like Achilles, he forms a convenient *nucleus* for the manifold fictions in which successive bards have enveloped him. The ballads relating to this doughty hero have been collected into a sort of patchwork epic, whose fabrication thus resembles that imputed to those ancient poems, which some modern critics have determined to be but a tissue of rhapsodies executed by different masters. But, without comparing them with the epics of Homer in symmetry of design or perfection of versification, we may reasonably claim for them a moral elevation not inferior, and a tone of courtesy and generous gallantry altogether unknown to the heroes of the Iliad.

The most interesting of the Spanish ballads are those relating to the Moors. This people, now so degraded in every intellectual and moral aspect, were, as is well known, in the ninth and tenth centuries, the principal depositaries of useful science and elegant art. This is particularly true of the Spanish Caliphate; and more than one Christian prelate is on record, who, in a superstitious age, performed a literary pilgrimage to the schools of Cordova, and drank from these profane sources of wisdom. The peculiarities of oriental costume; their showy military exercises; their perilous bull feasts and cane fights; their chivalric defiance and rencontres with the Christian knights on the

plains before the assembled city; their brilliant revels, romantic wooings, and midnight serenades, afforded rich themes for the muse; above all, the capture and desolation of Grenada, that 'city without peer,' the 'pride of Heathendom,' on which the taste and treasures of the western Caliphs had been lavished for seven centuries, are detailed in a tone of melancholy grandeur, which comes over us like the voice of an expiring nation.*

One trait has been pointed out in these poems most honorable to the Spanish character, and in which, in later times, it has been lamentably deficient, that of religious toleration; we find none of the fierce bigotry, which armed the iron hand of the Inquisition; which cooly condemned to exile or the stake a numerous native population for an honest difference of religious opinion, and desolated with fire and sword the most flourishing of their Christian provinces.†

The ancient Spaniard, on the contrary, influenced by a more enlightened policy as well as by humanity, contracted familiar intimacies, nay, even matrimonial alliances, with his Mahometan rivals, and the proudest of their nobles, did not disdain, in an honest cause, to fight under the banners of the Infidel. It would be a curious study to trace the progress and the causes of this pitiable revolution in national feeling.

The Spaniards have good reason to cherish their ancient ballads, for nowhere is the high Castilian character displayed to such advantage. Haughty, it is true, jealous of insult, and without the tincture of letters, which throws a lustre over the polished court of Charles and Philip; but also without the avarice, the insatiable cruelty, and dismal superstition, which

* An ancient Arabian writer concludes a florid eulogium on the architecture and local beauties of Grenada in the fourteenth century, with likening it, in oriental fashion, to 'a richly wrought vase of silver, filled with jacinths and emeralds.' *Historia de los Arabes de España*, tom. III. p. 147. Among the ballads relating to the Moorish wars, two of the most beautiful are the 'Lament over Alhama,' indifferently translated by Byron, and that beginning with 'En la ciudad de Grenada,' rendered by Lockhart with his usual freedom and vivacity. *Hita*, I. 464; and *Depping*, 240.

† The persecutions in the Netherlands, as recorded by a respectable English historian, are familiar to every one. The original documents, lately compiled and published by Llorente, secretary of the Inquisition, show, that no less than 341,000 persons have suffered capital or other punishment in Spain, by order of this terrible tribunal. *Hist. de l'Inquisition d'Espagne*, tom. IV. p. 271.

deface the bright page of their military renown.* The Cid himself, whose authentic history may vindicate the hyperbole of romance, was the *beau idéal* of chivalry.†

The peculiarities of early Scottish poetry may also be referred, in a great degree, to the political relations of the nation, which for many centuries was distracted by all the rancorous dissensions incident to the ill balanced fabric of feudal government. The frequent and long regencies, always unfavorable to civil concord, multiplied the sources of jealousy, and armed with new powers the factious aristocracy. In the absence of legitimate authority, each baron sought to fortify himself by the increased number of his retainers, who, in their turn, willingly attached themselves to the fortunes of a chief, who secured to them plunder and protection. Hence a system of clanship was organized, more perfect and more durable than has existed in any other country, and which is not entirely effaced at the present day. To the nobles, who garrisoned the marches, still greater military powers were necessarily delegated for purposes of state defence; and the names of Home, Douglas, and Buccleuch, make a far more frequent and important figure in national history, than that of the reigning sovereign. Hence private feuds were inflamed and vindicated by national antipathies, and a pretext of patriotism was never wanting to justify perpetual hostility. Hence the scene of the old ballads was laid chiefly on the borders, and hence the minstrels of the 'North Countrie' obtained such preeminence over their musical brethren.

* Sufficient evidence of this may be found in works of imagination, as well as the histories of the period. The plays of Lope de Vega, for instance, are filled with all manner of perfidy and assassination, which take place as a matter of course, and without the least compunction. In the same spirit, the barbarous excesses of his countrymen in South America, are detailed by Ercilla in his historical Epic, *La Araucana.* The flimsy pretext of conscience, for which these crimes are perpetrated, cannot veil their enormity from any but the eyes of the offender.

† The veracity of the traditionary history of the Cid, indeed his existence, discussed and denied by Masdeu, in his *Historia Critica de España*, has been satisfactorily established by the learned Müller; and the conclusions of the latter writer are recently confirmed by Conde's posthumous publication of translated Arabian manuscripts of great antiquity; where the Cid is repeatedly mentioned, as the Chief known by the name of the Warrior, *el Campeador;* 'the Cid whom Alla curse;' 'the tyrant Cid;' 'the accursed Cid,' &c. *See Historia de los Arabes de España*, II. 82.

The odious passion of revenge, which seems adapted by nature to the ardent temperaments of the south, but which, even there, has been mitigated by the spirit of Christianity, glowed with fierce heat in the bosoms of those northern savages. An offence to the meanest individual was espoused by his whole clan, and was expiated not by the blood of the offender only, but by that of his whole kindred. The sack of a peaceful castle, and the slaughter of its sleeping inhabitants, seem to have been as familiar occurrences to these Border heroes, as the lifting of a drove of cattle, and attended with as little compunction. The following pious invocation, uttered on the eve of an approaching foray, may show the acuteness of their moral sensibility.

> He that ordained us to be born
> Send us mair meat for the morn,
> Come by right or come by wrang,
> Christ, let us not fast owre lang,
> But blithely spend what 's gaily got,—
> Ride, Rowland, hough 's i' the pot.

When superstition usurps the place of religion, there will be little morality among the people. The only law they knew, was the command of their chief; and the only one he admitted, was his sword. 'By what right,' said a Scottish prince to a marauding Douglas, 'do you hold these lands?' 'By that of my sword,' he answered.

From these causes the early Scottish poetry is deeply tinged with a gloomy ferocity, and abounds in details of cool, deliberate cruelty. It is true, that this is frequently set off, as in the fine old ballads of Chevy Chase and Auld Maitland, by such deeds of rude but heroic gallantry, as, in the words of Sydney, 'stir the soul like the sound of a trumpet.' But, on the whole, although the scene of the oldest ballads is pitched as late as the fourteenth century, the manners they exhibit are not much superior, in point of refinement and humanity, to those of our own North American savages.*

From wanton or vindictive cruelty, especially when exercised on the defenceless or the innocent, the cultivated mind naturally shrinks with horror and disgust. But it was long ere the stern hearts of our English ancestors yielded to the soft impulses of

* For proof of this assertion, see 'Minstrelsy of the Scottish Border,' and in particular the ballads of 'Jellon Grame,' 'Young Benjie,' 'Lord William,' 'Duel of Wharton and Stuart,' 'Death of Featherstonehaugh,' 'Douglas Tragedy,' &c.

mercy and benevolence. The reigns of the Norman dynasty are written in characters of fire and blood. As late as the conclusion of the fourteenth century, we find the Black Prince, the 'flower of English knighthood,' as Froissart styles him, superintending the butchery of three thousand unresisting captives, men, women, and children, who vainly clung to him for mercy. The general usage of surrendering as hostages their wives and children, whose members were mutilated, or lives sacrificed on the least infraction of their engagements, is a still better evidence of the universal barbarism of the so much lauded age of chivalry.

Another trait in the old Scotch poetry, and of a very opposite nature from that we have been describing, is its occasional sensibility; touches of genuine pathos are found scattered among the cold, appalling passions of the age, like the flowers which, in Switzerland, are said to bloom alongside the avalanche. No state of society is so rude as to extinguish the spark of natural affection; tenderness for our own offspring, is but a more enlarged selfishness, perfectly compatible with the utmost ferocity towards others. Hence scenes of parental and filial attachment are to be met with in these poems, which cannot be read without emotion. The passion of love appears to have been a favorite study with the ancient English writers; and by none, in any language we have read, is it managed with so much art and feeling as by the dramatic writers of Queen Elizabeth's day. The Scottish minstrels, with less art, seem to be entitled to the praise of possessing an equal share of tenderness. In the Spanish ballad, love glows with the fierce ardor of a tropical sun. The amorous serenader celebrates the beauties of his Zayda (the name, which, from its frequency, would seem to be a general title for a Spanish mistress) in all the florid hyperbole of oriental gallantry, or, as a diappointed lover, wanders along the banks of the Guadalete, imprecating curses on her head, and vengeance on his devoted rival. The calm dejection and tender melancholy, which are diffused over the Scottish lovesongs, are far more affecting than all this turbulence of passion. The sensibility which, even in a rude age, seems to have characterized the Scottish female, was doubtless nourished by the solemn complexion of the scenery by which she was surrounded, by the sympathies continually awakened for her lover in his career of peril and adventure, and by the facilities afforded her for brooding over her misfortunes in the silence of rural solitude.

To similar physical causes may be principally referred those superstitions, which are so liberally diffused over the poetry of Scotland down to the present day. The tendency of wild, solitary districts, darkened with mountains and extensive forests, to raise in the mind ideas of solemn, preternatural awe, has been noticed from the earliest ages. 'Where is a lofty and deeply shaded grove,' writes Seneca in one of his epistles, 'filled with venerable trees, whose interlacing boughs shut out the face of heaven, the grandeur of the wood, the silence of the place, the shade so dense and uniform, infuse into the breast the notion of a divinity;' and thus the speculative fancy of the ancients, always ready to supply the apparent void of nature, garrisoned each grove, fountain, or grotto, with some local and tutelary genius. These sylvan deities, clothed with corporeal figures, and endowed with mortal appetites, were brought near to the level of humanity. But the Christian revelation, which assures us of another world, is the 'evidence of things unseen;' and while it dissipates the gross and sensible creations of classic mythology, raises our conceptions to the spiritual and the infinite. In our eager thirst for communication with the world of spirits, we naturally imagine it can only be through the medium of spirits like themselves; and in the vulgar creed, these apparitions never come from the abodes of the blessed, but from the tomb, where they are supposed to await the period of a final and universal resurrection, and whence they are allowed to 'revisit the glimpses of the moon,' for penance or some other inscrutable purpose. Hence the gloomy, undefined character of the modern apparition, is much more appalling than the sensual and social personifications of antiquity.

The natural phenomena of a wild uncultivated country, greatly conspire to promote the illusions of the fancy. The power of clouds to reflect, to distort, and to magnify objects, is well known; and on this principle, many of the preternatural appearances in the German mountains and the Scottish Highlands, whose lofty summits and unreclaimed valleys are shrouded in clouds and exhalations, have been ingeniously and philosophically explained. The solitary peasant, as the shades of evening close around him, witnesses with dismay the gathering phantoms, and hurrying home, retails his adventures with due amplification. What is easily believed is easily seen, and the marvellous incident is soon placed beyond dispute by a multitude of testimonies. The appetite, once excited, is keen in detecting other

visions and prognostics, which as speedily circulate through the channels of rustic tradition, until in time each glen and solitary heath has its unearthly visitants, each family its omen or boding spectre; and superstition, systematized into a science, is expounded by indoctrinated wizards and gifted seers.

In addition to these fancies, common, though in a less degree, to other nations, the inhabitants of the North have inherited a more material mythology, which has survived the elegant fictions of Greece and Rome, either because it was not deemed of sufficient importance to provoke the arm of the church, or because it was too nearly accommodated to the moral constitution of the people to be thus easily eradicated. The character of a mythology is always intimately connected with that of the scenery and climate in which it is invented. Thus the graceful Nymphs and Naiads of Greece; the Peris of Persia, who are said to live in the colors of the rainbow, and exist on the odors of flowers; the Fairies of England, who in airy circles 'dance their ringlets to the whistling wind,' have the frail gossamer forms and delicate functions congenial with the beautiful countries which they inhabit; while the Elves, Bogles, Brownies, Kelpies, &c. which seem to have legitimately descended, in ancient Highland verse, from the Scandinavian Dvergar, Nisser, &c. are of a stunted and malignant aspect, and are celebrated for nothing better than maiming cattle, bewildering the benighted traveller, and conjuring out the souls of newborn infants. Within the memory of the present generation, very well authenticated anecdotes of these ghostly kidnappers have been circulated and greedily credited in the Scottish Highlands. But the sunshine of civilization is rapidly dispelling the lingering mists of superstition. The spirits of darkness love not the cheerful haunts of men; and the bustling activity of an increasing, industrious population, allows brief space for the fears or inventions of fancy.

The fierce aspect of the Scottish ballad was mitigated under the general tranquillity, which followed the accession of James to the united crowns of England and Scotland; and the Northern muse might have caught some of the inspiration, which fired her southern sister at this remarkable epoch, had not the fatal prejudices of her sovereign in favor of an English or even a Latin idiom, diverted his ancient subjects from the cultivation of their own. As it was, Drummond of Hawthornden, whose melodious and melancholy strains, however, are to be enrolled among English verse, is the most eminent name, which adorns

the scanty annals of this reign. The civil and religious broils, which, by the sharp concussion they gave to the English intellect during the remainder of this unhappy century, seem to have forced out every latent spark of genius, served only to repress or exacerbate the less polished muse of the North. The austerity of the reformers chilled the sweet flow of social song, and the only verse in vogue was a kind of rude satire, sometimes pointed at the licentiousness of the Roman clergy, and sometimes at the formal affectation of the Puritans, but which, from the coarseness of the execution, and the transitory interest of its topics, has for the most part been consigned to a decent oblivion.

The Revolution, in 1688, and the subsequent union of the two kingdoms by the permanent assurance they gave of civil and religious liberty, and lastly, the establishment of parochial schools about the same period, by that wide diffusion of intelligence among the lower orders, which has elevated them above every other European peasantry, had a most sensible influence on the moral and intellectual progress of the nation. Improvements in art and agriculture were introduced; the circle of ideas was expanded, and the feelings liberalized by a free communication with their southern neighbours; and religion, resigning much of her austerity, lent a prudent sanction to the hilarity of social intercourse. Popular poetry naturally reflects the habits and prevailing sentiments of a nation. The ancient notes of the border trumpet were exchanged for the cheerful sounds of rustic revelry; and the sensibility, which used to be exhausted on subjects of acute but painful interest, now celebrated the temperate pleasures of domestic happiness, and rational, though romantic love.

The rustic glee, which had put such mettle into the compositions of James the First and Fifth, those royal poets of the commonalty, as they have been aptly styled, was again renewed; ancient songs, purified from their original vices of sentiment or diction, were revived; new ones were accommodated to ancient melodies; and a revolution was gradually effected in Scottish verse, which experienced little variation during the remainder of the eighteenth century. The existence of a national music is essential to the entire success of lyrical poetry. It may be said, indeed, to give wings to song, which, in spite of its imperfections, is thus borne along, from one extremity of the nation to the other, with a rapidity denied to many a nobler composition.

Thus allied, verse not only represents the present, but the past; and, while it invites us to repose or to honorable action, its tones speak of joys which are gone, or wake in us the recollections of ancient glory.

It is impossible to trace the authors of a large portion of the popular lyrics of Scotland, which, like its native wild flowers, seem to have sprung up spontaneously in the most sequestered solitudes of the country. Many of these poets, even, who are familiar in the mouths of their own countrymen, are better known south of the Tweed by the compositions, which, under the title of 'Scottish Melodies,' are diligently thrummed by every Miss in her teens, than by their names; while some few others, as Ramsay, Ferguson, &c. whose independent tomes maintain higher reputation, are better known by their names than their compositions, which, much applauded, are, we suspect, but little read.

The union of Scotland with England was unpropitious to the language of the former country; at least, it prevented it from attaining a classical perfection, which some perhaps may not regret, as being in its present state a better vehicle for the popular poetry, which is so consonant with the genius of the nation. Under Edward the First, the two nations spoke the same language, and the formidable epics of Barbour and Blind Harry, his contemporaries, are cited by Warton, as superior models of English versification. After the lapse of five centuries, the Scottish idiom retains a much greater affinity with the original stock than does the English; but the universal habit with the Scotch of employing the latter in works of taste or science, and of relinquishing their own idiom to the more humble uses of the people, has degraded it to the unmerited condition of a provincial dialect. Few persons care to bestow much time in decyphering a vocabulary, which conceals no other treasures than those of popular fancy and tradition.

A genius like Burns, indeed, may do, and doubtless has done much, to diffuse a knowledge and a relish for his native idiom. His character as a poet has been too often canvassed by writers and biographers to require our panegyric. We define it, perhaps, as concisely as may be, by saying, that it consisted of an acute sensibility, regulated by uncommon intellectual vigor. Hence, his frequent visions of rustic love and courtship never sink into mawkish sentimentality; his quiet pictures of domestic life are without insipidity; and his mirth is

not the unmeaning ebullition of animal spirits, but is pointed with the reflection of a keen observer of human nature. This latter talent, less applauded in him than some others, is in our opinion his most eminent. Without the grace of La Fontaine, or the broad buffoonery of Berni, he displays the same facility of illuminating the meanest topics, seasons his humor with as shrewd a moral, and surpasses both in a generous sensibility, which gives an air of truth and cordiality to all his sentiments. Lyrical poetry admits of less variety than any other species, and Burns, from this circumstance, as well as from the flexibility of his talents, may be considered as the representative of his whole nation. Indeed his universal genius seems to have concentrated within itself the rays, which were scattered among his predecessors; the simple tenderness of Crawford, the fidelity of Ramsay, and careless humor of Ferguson. The Doric dialect of his country was an instrument peculiarly fitted for the expression of his manly and unsophisticated sentiments. But no one is more indebted to the national music than Burns; embalmed in the sacred melody, his songs are familiar to us from childhood, and, as we read them, the silver sounds with which they have been united, seem to linger in our memory, heightening and prolonging the emotions which the sentiments have excited.

Mr Cunningham, to whom it is high time we should turn, in some prefatory reflections on the condition of Scottish poetry, laments exceedingly the improvements in agriculture and mechanics, the multiplication of pursuits, the wider expansion of knowledge, which have taken place among the peasantry of Scotland, during the present century.

'Change of condition, increase of knowledge,' says he, 'the calling in of machinery to the aid of human labor, and the ships, which whiten the ocean with their passing and repassing sails, wafting luxuries to our backs and our tables, are all matters of delight to the historian or the politician; but of sorrow to the poet, who delights in the primitive glory of a people, and contemplates with pain all changes, which lessen the original vigor of character, and refine mankind till they become too sensitive for enjoyment. Man has now to labor harder and longer; to shape out new ways to riches, and even bread, and feel the sorrows of the primeval curse, a hot and sweaty brow, more frequently and more severely than his ancestors; all this is uncongenial to the creation of song, where many of our finest songs

have been created; and to its enjoyment, where it was long and fondly enjoyed, among the peasantry of Scotland.' *Preface.*

These circumstances certainly will be matter of delight to the historian and politician, and we doubt if they afford any reasonable cause of lamentation to the poet. An age of rudeness and ignorance is not the most propitious to a flourishing condition of the art, which indulges quite as much in visions of the past as the present, in recollections as in existing occupations; and this is not only true of civilized, but of ruder ages; the forgotten bards of the Niebelungen and the Heldenbuch, of the romances of Arthur and of Charlemagne, looked back through the vista of seven hundred years for their subjects; and the earliest of the Border minstrelsy celebrates the antique feuds of a preceding century. On the other hand, a wider acquaintance with speculative and active concerns may be thought to open a bolder range of ideas and illustrations to the poet. Examples of this may be discerned among the Scottish poets of the present age; and if the most eminent, as Scott, Campbell, Joanna Baillie, &c. have deserted their natural dialect, and the humble themes of popular interest, for others better suited to their aspiring genius, and for a language which could diffuse and perpetuate their compositions, it can hardly be matter for serious reproach even with their own countrymen. But this is not true of Scott, who has always condescended to illuminate the most rugged and meanest topics relating to his own nation, and who has revived in his 'Minstrelsy,' not merely the costume, but the spirit of the ancient Border muse of love and chivalry.

In a similar tone of lamentation, Mr Cunningham deprecates the untimely decay of superstition throughout the land. But the seeds of superstition are not thus easily eradicated; its grosser illusions, indeed, may, as we have before said, be scattered by the increasing light of science; but the principal difference between a rude and a civilized age, at least as regards poetical fiction, is, that the latter requires more skill and plausibility in working up the *matériel* than the former. The witches of Macbeth are drawn too broadly to impose on the modern spectator, as they probably did on the credulous age of Queen Bess; but the apparition in Job, or the Bodach Glas in Waverley is shadowed with a dim and mysterious portraiture, that inspires a solemn interest quite sufficient for the purposes of poetry. The philosophic mind may smile with contempt at popular fancies, convinced that the

general experience of mankind contradicts the existence of apparitions; that the narratives of them are vague and ill authenticated; that they never or rarely appeal to more than one sense, and that the most open to illusion; that they appear only in moments of excitement, and in seasons of solitude and obscurity; that they come for no explicable purpose, and effect no perceptible result; and that, therefore, they may in every case be safely imputed to a diseased or a deluded imagination. But if, in the midst of these solemn musings, our philosopher's candle should chance to go out, it is not quite certain, that he would continue to pursue them with the same stoical serenity. In short, no man is quite so much a hero in the dark as in broad daylight, in solitude as in society, in the gloom of the churchyard as in the blaze of the drawing room. The season and the place may be such as to oppress the stoutest heart with a mysterious awe, which, if not fear, is near akin to it. We read of adventurous travellers, who, through a sleepless night, have defied the perilous nonentities of a haunted chamber, and the very interest we take in their exploits proves, that the superstitious principle is not wholly extinguished in our own bosoms. So, indeed, do the mysterious inventions of Mrs Radcliffe and her ghostly school; of our own Brown, in a most especial manner; and Scott, ever anxious to exhibit the speculative as well as practical character of his countrymen, has more than once appealed to the same general principle. Doubtless, few in this enlightened age are disposed boldly to admit the existence of these spiritual phenomena; but fewer still there are, who have not enough of superstitious feeling lurking in their bosoms for all the purposes of poetical interest.

Mr Cunningham's work consists of four volumes of lyrics, in a descending series from the days of Queen Mary to our own. The more ancient, after the fashion of Burns and Ramsay, he has varnished over with a coloring of diction, that gives greater lustre to their faded beauties, occasionally restoring a mutilated member, which time and oblivion had devoured. Our author's prose, consisting of a copious preface and critical notices, is both florid and pedantic; it continually aspires to the vicious affectation of poetry, and explains the most common sentiments by a host of illustrations and images, thus perpetually reminding us of the children's play of 'What is it like?' As a poet, his fame has long been established; and the few original pieces, which he has introduced into the present collection, have the

ease and natural vivacity conspicuous in his former compositions. We will quote one or two, which we presume are the least familiar to our readers.

A wet sheet and a flowing sea,
A wind that follows fast
And fills the white and rustling sail,
And bends the gallant mast!
And bends the gallant mast, my boys,
While, like the eagle, free,
Away the good ship flies, and leaves
Old England on the lea.

O for a soft and gentle wind!
I heard a fair one cry;
But give to me the swelling breeze,
And white waves heaving high;
And white waves heaving high, my lads,
The good ship tight and free;
The world of waters is our home,
And merry men are we.

There 's tempest in yon horned moon,
And lightning in yon cloud;
And hark the music, mariners!
The wind is wakening loud.
The wind is wakening loud, my boys,
The lightning flashes free;
The hollow oak our palace is,
Our heritage the sea.

Vol. iv. p. 208.

This spirited water piece, worthy of Campbell, is one evidence, among others, of the tendency of the present improved condition of the Scottish peasantry to expand the beaten circle of poetical topics and illustrations. The following is as pretty a piece of fairy gossamer as has been spun out of this sceptical age.

SONG OF THE ELFIN MILLER.

Full merily rings the millstone round,
Full merrily rings the wheel,
Full merrily gushes out the grist;
Come taste my fragrant meal.
As sends the lift its snowy drift,
So the meal comes in a shower;
Work, fairies, fast,—for time flies past;
I borrow'd the mill an hour.

The miller he 's a worldly man,
And maun have double fee;
So draw the sluice of the churl's dam,
And let the stream come free.
Shout, fairies, shout! see, gushing out,
The meal comes like a river;
The top of the grain on hill and plain
Is ours, and shall be ever.

One elf goes chasing the wild bat's wing,
And one the white owl's horn,
One hunts the fox for the white o' his tail,
And we winna have him till morn;
One idle fay, with the glow-worm's ray,
Runs glimmering 'mang the mosses,
Another goes tramp wi' the will-o-wisp's lamp,
To light a lad to the lasses.

O haste, my brown elf, bring me corn
From bonnie Blackwood plains;
Go, gentle fairy, bring me grain
From green Dalgonar mains;
But, pride of a' at Closeburn ha',
Fair is the corn and fatter;
Taste, fairies, taste, a gallanter grist
Has never been wet with water.

Hilloah! my hopper is heaped high;
Hark! to the well hung wheels,
They sing for joy;—the dusty roof,
It clatters and it reels.
Haste, elves, and turn yon mountain burn—
Bring streams that shine like siller;
The dam is down, the moon sinks soon,
And I maun grind my meller.

Ha! bravely done, my wanton elves,
That is a foaming stream;
See how the dust from the mill-ee flies,
And chokes the cold moon-beam.
Haste, fairies, fleet come baptized feet,
Come sack and sweep up clean,
And meet me soon, ere sinks the moon,
And thou maun speak of me.

Vol. iv. p. 327.

The last we can afford is a sweet amorous effusion in the best style of the romantic muse of the Lowlands. It has before found a place in the 'Nithsdale and Galloway' collection.

Thou hast vow'd by thy faith, my Jeanie,
By that pretty white hand of thine,
And by all the lowing stars in heaven,
That thou would aye be mine;
And I have sworn by my faith, my Jeanie,
And by that kind heart of thine,
By all the stars sown thick o'er heaven,
That thou shalt aye be mine.

Foul fa' the hands wad loose sic bands,
And the heart would part sic love;
But there 's nae hand can loose the band,
But the finger of him above.
Though the wee wee cot maun be my bield,
And my clothing e'er sae mean,
I should lap me up rich in the faulds of love
Heaven's armfu' of my Jean.

Thy white arm wad be a pillow to me,
Far softer than the down;
And love wad winnow o'er us his kind, kind wings,
And sweetly we 'd sleep and soun'.
Come here to me, thou lass whom I love,
Come here and kneel wi' me,
The morning is full of the presence of God,
And I cannot pray but thee.

The wind is sweet amang the new flowers,
The wee birds sing saft on the tree,
Our goodman sits in the bonnie sunshine,
And a blithe old bodie is he;
The Beuk maun be ta'en when he comes hame,
Wi' the holie psalmodie,
And I will speak of thee when I pray,
In thy green vale, Dalveen.

Vol. iv. p. 308.

Our readers may think we have been detained too long by so humble a theme as old songs and ballads; yet a wise man has said, 'Give me the making of the ballads, and I care not who makes the laws of a nation.' Indeed, they will not be lightly regarded by those who consider their influence on the character of a simple, susceptible people, particularly in a rude age, when they constitute the authentic records of national history. Thus the wandering minstrel kindles in his unlettered audience, a generous emulation of the deeds of their ancestors; and while he sings the bloody feuds of the Zegris and Abencer-

rages, the Percy and the Douglas, artfully fans the flame of an expiring hostility. Under these animating influences, the ancient Spaniard and the Border warrior displayed that stern military enthusiasm, which distinguished them above every other peasantry in Europe. Nor is this influence altogether extinguished in a polite age, when the narrow attachments of feudal servitude are ripened into a more expanded patriotism; the generous principle is nourished and invigorated in the patriot by the simple strains, which recount the honorable toils, the homebred joys, the pastoral adventures, the romantic scenery, which have endeared to him the land of his fathers. There is no moral cause, which operates more strongly in infusing a love of country into the mass of the people, than the union of a national music with popular poetry.

But these productions have an additional value in the eyes of the antiquarian to what is derived from their moral or political influence; as the repertory of the motley traditions and superstitions, that have descended for ages through the various races of the North. The researches of modern scholars have discovered a surprising affinity between the ancient Scottish ballad and the Teutonic, Scandinavian, and even Calmuck romance. Some of the most eminent of the old Border legends are almost literal versions of those which inflamed the martial ardor of our Danish ancestors.* A fainter relationship had before been detected between them, and Southern and Oriental fable. Thus in a barbarous age, when the nearest provinces of Europe had but a distant intercourse with each other, the electric spark of fancy seems to have run around the circle of the remotest regions, animating them with the same wild and original creations.

Even the lore of the nursery may sometimes ascend to as high an antiquity. The celebrated Whittington and his Cat can display a Teutonic pedigree of more than eight centuries; 'Jack, commonly called the Giant Killer, and Thomas Thumb,' says an antiquarian writer, 'landed in England from the very same keels and war ships, which conveyed Hengist, and Horsa, and Ebba the Saxon;' and the nursery maid, who chants the friendly monition to the 'Lady bird,' or narrates the 'fee-faw-fum' adventure of the carnivorous giant, little thinks she has purloined the stores of Teutonic song and Scandinavian my-

* Such are the 'The Childe of Elle,' 'Catharine and Janfarie,' 'Cospatric,' 'Willie's Lady,' &c.

thology.* The ingenious author, who, under the name of Doblado, has thrown great light on the character and condition of modern Spain, has devoted a chapter to tracing out the genealogies of the games and popular pastimes of his country. Something of the same kind might be attempted in the untrodden walks of nursery literature. Ignorance and youth are satisfied at no great cost of invention. The legend of one generation answers, with little variation, for the next; and, within the precincts of the nursery, obtains that imperishable existence, which has been the vain boast of many a loftier lyric. That the Mythology of one age should be abandoned to the 'Juvenile Cabinet' of another, is indeed curious. Thus the doctrines most venerated by man in the infancy of society, become the sport of infants in an age of civilization; furnishing a pleasing example of the progress of the human intellect, and a plausible coloring for the dream of perfectibility.

ART. VIII.—ΑΝΑΛΕΚΤΑ ΕΛΛΗΝΙΚΑ ΜΕΙΖΟΝΑ, *sive Collectanea Græca Majora, ad Usum Academicæ Juventutis accommodata; cum Notis Philologicis, quas partim collegit, partim scripsit* ANDREAS DALZEL, *A.M. &c. Editio quarta Americana, ex Auctoribus correcta, prioribus emendatior, cum Notis aliquot interjectis.* Cantabrigiæ, Mass. Sumtibus Cummings, Hilliard, et Soc. 1824. 2 vol. 8vo. [Stereotyped.]

WE have long been intending to take notice of this American edition of an approved class book, not so much in the belief, that any commendations of ours will give it an additional passport to public favor, as for the sake of expressing our unfeigned respect for its learned and accurate editor. Professor Popkin, than whom America has never produced a scholar more pro-

* 'Lady bird, Lady bird, fly away home,
Your house is on fire, your children will roam.'

This fragment of a respectable little poem has soothed the slumbers of the German infant for many ages. The Giant, who so cunningly scented the 'blood of an Englishman,' is the counterpart of the personage recorded in the collection of Icelandic mythology, made by Snorro in the thirteenth century. *Edda, Fable* 23.

found in the department of Grecian learning, has here given us a better edition of this book, which has often made its appearance at Edinburgh and London, than any that preceded it. Accidental omissions have been restored; the text of the extracts carefully compared with the best editions of the authors; the references examined and altered where erroneous, and errors of the press removed; so that in all, at least *ten thousand* inaccuracies have been corrected. We do not say *ten thousand* by way of exaggeration, but, after a diligent examination, believe that that number is within the limits of exactness. With the notes, we could wish Professor Popkin had used more freedom. He has occasionally added a short remark; and wherever we see his name as authority for an observation, we are sure of finding it concisely expressed, and in itself valuable; and he shows his confidence in his own accuracy by often deciding questions of doubtful criticism.

The fact itself, that this stereotype edition of a large body of selections from Greek literature, should have been published among us, is in many respects worthy of remark. It augurs well of the state of learning, both by the manner in which the work has been superintended and executed, and by the liberality with which it is encouraged on the part of the public. To those who are fond of contrasts, it may seem a strange appointment of destiny, that the philosopher, who saw the new Atlantis only with the eye of imagination, should, at this late day, give lessons in morality to our Western world; and that the poet, who is believed by some to have conceived his master works and embodied them in language before letters were invented, should now have at least a portion of them preserved on stereotype plates in a hemisphere to him unknown.

It is far from our intention at this time to enter into any vindication of classical learning. Almost every view of the subject has already been publicly given. We shall at present only glance at a few objections, which we often hear strenuously urged against the study of antiquity. It is right, and maintained on all sides, that youth is to acquire that which manhood must use. If there are any to whom extended knowledge will be of no value, who are indifferent to the history of human culture, and have no interest in contemplating the various aspects under which intellectual power has been exhibited, we say they would better regulate their pursuits accordingly. Of what use is classical learning, or any liberal learning to them? In England

we are told, that Greek and Latin are made the main pursuits, and yet are not acquired; that boys pass their time in devising the means of escaping from learning them. This proves, that the English schools need a reform in discipline, and proves no more. To be sure, men have attained to the highest eminence without liberal learning. Franklin, to name no less a name, is given as an example. But the argument proves too much or nothing. If it establishes anything, it shows the folly of methodical instruction altogether, and represents the printer's office, the ploughman's field, or the deck of a ship, as equally good schools for the high purposes of life. Yet the men, who advance this argument, do not practise by it. They do not attempt to cultivate the minds of their children by putting them to a trade, or keeping them on a farm, or sending them to sea. A man may rise above the condition of his youth; but he rises in spite of difficulties; it is cruel mockery to represent the matter to him in any other light. If he is great without the advantages of education; *idem ego contendo, cum ad naturam eximiam atque illustrem accesserit ratio quædam conformatioque doctrinæ, tum illud nescio quid præclarum ac singulare solere existere.*

Our country is an active, practical one; flourishing by commerce and agriculture, and domestic industry. Of what use are the classics to merchants, manufacturers, and farmers? Certainly a man will not fill the shelves of his countinghouse with Latin and Greek books; and the ancient writers would be out of place on Central wharf, or in Pearl street (we mean the Pearl street of our prosperous neighbours, for in our own the munificence of merchants has already made a most liberal establishment for learning and science of all kinds); but if the classics have nothing to do with merchandise, they may yet benefit the mind; they may not assist in doing business, and yet be of service in forming the character; they may not assist the merchant, and yet they may exalt the man.

But all things are changing; times and men, manners and pursuits. Once it was necessary for a man to know how to tilt at a tourney; and now he is not disgraced, though ignorant of the use of a lance. Once the yeomanry of Old England were expert in handling the crossbow; and now, though there may hardly be a crossbow in all New England, we are justly proud of our yeomanry. Certainly if the same reasoning can be applied to classical learning, the analogy is fair and irresistible. We have heard it asserted, that it does apply. We do not say, that

it does not; only let the inference be founded on the hypothesis. If modern ages have produced such minds, that the master spirits of Greece are feeble in comparison; if 'the lifeblood embalmed and preserved' in their works is worth no more than an Egyptian mummy; if the modern muse has sung with such sweet accents, that the voice of the ancient goddess is comparatively harsh or shrill; if recent criticism has made the precepts of antiquity useless, and deprived their examples of majestic, impassioned, elevated, practical eloquence, of their value; it is then absurd to make use of classical studies for the purposes of education.

But then of what use, it is demanded, has learning been to the learned? Men, who have studied antiquity thoroughly, have yet written poorly; and scholars, who knew the Latin grammar by heart, have used English ill. It would be marvellous, indeed, if the classics were a corrective for dulness. So far their earnest admirers never went in their assertions. If a man of feeble mind, after long research, is the parent of but a feeble production, would he have done better, if left wholly to his own resources? If an unthrifty man, with a large capital given him, can yet do no business, would he have done more with no capital at all, and with no resources but his own shiftlessness? In the work of an inferior understanding, which has yet made valuable acquisitions, a curious fact or an ingenious remark may sometimes be found; but what can you expect from a dull man who knows nothing?

Let others, if they will, declaim against the pursuits of learning; we cannot join in the cry, which seems to us to be directed against the public good. For have we so much of erudition, that it is becoming a nuisance? Is there any danger in our country, that contemplative life will be too frequently embraced, or habits of study too generally cherished? For ourselves, it seems to us a duty to speak in behalf of letters, whenever we have opportunity; to be instant in that sacred cause, both in season and out of season. There are men enough, who are willing to embark in public life on 'the troubled sea of noises and hoarse disputes;' we rejoice when we hear of any, who have a taste for a 'calm and pleasing solitariness,' where, 'fed with cheerful and confident thoughts,' they may learn to behold 'the bright countenance of truth in the quiet and still air of delightful studies.'

Though we have been led into a longer train of remarks, than we had intended, we are not willing, while expressing our respect for the learned Professor, to whom we owe this edition of the *Collectanea Majora*, to forego so good an opportunity of noticing in our Journal a European scholar, who through a long course of years stood first among the philologians of his time.

It is now nearly two years since Frederic Augustus Wolf died at an advanced age in the South of France, while travelling in the hope of finding, under a milder sky, some relief from the infirmities of years. This most celebrated scholar of our times was born of humble parents in 1757, at Hainrode, in the county of Hohenstein. Hardly was he seven years old, before he was entered at the Gymnasium in Nordhausen; and at seventeen, he repaired to the University of Göttingen. He brought with him the reputation of having already acquired, by private research, an extraordinary acquaintance with the works of the ancients. The love of his favorite study led him at once to Heyne, who questioned him on his plans of life. When he declared his intention of devoting himself to classical philology, Heyne, who had himself in the early part of his life suffered extremely from the want of pecuniary means, endeavored to dissuade him from it by explaining to him, how poor a prospect was opened to a man of learning. 'There are but three Professorships of Eloquence in all Germany,' said he. 'And one of those three I am determined to have,' replied the young aspirant; and, in in fact, before he was twentyseven he had gained his object. While at the university, Wolf was very capricious in his attendance on lectures, superciliously asserting, that little was to be learnt from them; and indeed throughout all his life, he was consistent in maintaining, that he had never derived any benefit from the instructions of Heyne. In 1777, Wolf, at Heyne's instance, received an appointment as a teacher in the Gymnasium of Ilfeld, a most retired and beautifully situated cloister in the vicinity of the Harz mountains. In the following year he was made Rector of the Latin school of Osterrode, a city in the district of the Harz mountains. In 1783, he accepted an invitation to become Professor of Eloquence in the University of Halle, where he pursued his high literary career with boldness, ardor, and, we believe, with prodigious, though irregular industry. The title of Privy Counsellor was given him in 1805, and when Halle was annexed to the kingdom of Westphalia, Wolf was transferred to Berlin; and though he did not take an active

part in the new University, which was then establishing in that city, he still professed to read lectures, and to devote himself to literary occupations. But here was the trial of his character. Where a man is forced to labor by his very situation, and has his time filled up with duties that cannot be avoided, almost any one succeeds well enough in maintaining respectability. But it is the use which a man makes of his leisure, that shows the spirit he is of; and if prosperity is in general the great trial of character, it is the opportunity to be indolent, which is the true touchstone of the scholar. Wolf, when he found himself possessed of leisure and a pension, became idle and set up for a fine gentleman. But it would not do. With all his efforts the man, who had spent his youth among the mountains, and his manhood among books, never could get the air of a courtier; and, for the most part, the men of the world and of diplomatic celebrity cared very little about him. Some few were fond of his intercourse, but it was the Professor's erudition which they coveted, and not the society of the Privy Counsellor. Wolf was a man of profound and accurate learning, of most rare sagacity, and admirable genius; but he allowed base propensities to grow strong within him, and did not even keep clear of vulgar dissipation and lowlived profligacy.

The stranger that would see him, might expect to find him on a sunny morning in the park between eleven and one, or at the best *restaurateur's* about three, or an hour or two later at his own rooms, yielding to the listlessness that attends the digestion of a large dinner. If joined on his walks, and he preferred society, he would, with delightful garrulity, tell the story of his early life, repeat his good sayings, especially his severe ones, fight his battles with Heyne over again, or express his utter contempt for others by whom he had been assailed. He would, with equal liveliness, recount the persons of rank, by whom he had been treated with civility, and make mention of any good servants he might chance to have employed, and especially of the good dishes they used to prepare; and now and then he would speak of the poetry he admired, and the examples of ancient or of modern worth to which his kindly heart offered a willing tribute of respect. For he retained to the last something of the lofty spirit of a scholar; if he loved good cheer, he loved a good book also; and the charms of the modern opera, and the admirable talents of the Berlin stage, never made him faithless to his Grecian favorites. If he knew

the most exquisite airs in the last work of Rossini, he did not give up his knowledge of the most delightful strains in the Greek choruses, and could point out the sweetest cadences of the polished verse of Aristophanes; and though he could give you the statistics of all the pastry shops in Berlin, and tell you even at what time of day you must call in to get the good things as they came hot from the oven, he yet retained a soul for the unearthly sublimity of Plato.

He prided himself also on his knowledge of the English, which he could speak pretty well; and truth compels us to add, though it may make against his taste and his morality in letters, that Fielding's Tom Jones was his favorite work. His pronunciation of the French was not good, yet he held himself perfectly competent to judge of the delicacies and rules of that language. His conversation was most various, and often most instructive. Sometimes he would repeat the newest tale of scandal, and sometimes he would take up a volume of some Greek bard, and with his clear voice, which was melody itself, read aloud the perfect hexameters of Homer, or run through the mazes of a Pindaric strophe, or follow the rapid anapests of the comic Muse.

To give the character of Wolf in a few words, we should only have to say, that in his moral and physical characteristics, he was an illustrious example of the sanguineous temperament. He was fond of believing himself like Bentley, and was pleased to have an analogy traced between his own character and reputation and those of the English critic. Yet were we to look into history for another like him, however strange and far fetched it may seem to compare a warrior and a philologian, we should hardly know whom to select but the son of Antigonus, the intrepid, the ardent, the licentious, and, finally, the indolent Demetrius. Indeed Wolf was the very Poliorcetes among critics, laying siege to many an opinion, which seemed strongly and impregnably garrisoned by the authority of ancient names. Had the Teian bard for centuries been extolled for grace and sweetness? Wolf threw out the assertion (which Brunck and Hermann have likewise made, and endeavored to prove from the laws of metre), that the poems now cited as Anacreon's are not genuine, and that the world has been cheated into an admiration of paltry imitations. Had every schoolboy learnt to extol the rhetoric and the epistolary elegance of Cicero? Wolf cast a suspicion on the collection of epistles

which we possess, as containing many that are not Tully's, and positively denied the authenticity of four of the orations, that for Marcellus among the number. Or had the student of letters, when he made his pilgrimage to the fountain of epic song, been accustomed to pay homage to the genius of one blind minstrel? Wolf was prepared to demonstrate, so that the blind might see, that the Iliad and Odyssey are but admirable pieces of Mosaic; a set of rhapsodies, naturally unconnected, but fastened together in the dovetail way by some fortunate and ingenious workman.

Wolf was not only a sagacious critic of the works of others; he knew also himself how to use language well. There was, however, a ridiculous affectation about him as to his own tongue. In a most ingenious essay on the Science of Antiquity, he apologizes for employing the German, and has the impudence to say, it is less familiar to him than the Latin. His style in German is artificial, yet skilful, and distinguished by a rare degree of accuracy in the choice of expressions. But his greatest performance in the German is his Translation of the Clouds of Aristophanes, which may be read with all the interest that the Greek play can excite. The translation is exact, line for line, throughout the whole, and the measure of the original is preserved in all its varieties. A dispute had taken place in Germany about the use of the *trochee* in German hexameters. Klopstock had used it freely; and Voss had not abstained from it. Wolf ridiculed the idea, and to show with what fidelity Homer might be translated, he began a version of the Odyssey, strictly literal, exhausting the meaning of the Greek words, and adding nothing; and all the while giving not merely line for line, but foot for foot, and cæsura for cæsura. When he had finished exactly one hundred lines in this manner, he stopped in the midst of a period, declaring that there lived not the man in all Germany who could go on and finish the sentence. Another proof of his arrogance we have in his version of one of Plato's dialogues. Cicero had, in one of his works, translated a long passage from the Euthyphron; Wolf translated the whole of the dialogue into Latin, in a most masterly manner, and on purpose, as he has been heard to say, that he might strive with Cicero himself for the first honors in this exercise in the Roman dialect.

But we need not accumulate more facts to illustrate his character. He owes his high reputation to his having actually possessed genius. There is the air of a man of rare intellect about all

that he did. His great faults were an excessive vanity, and an entire want of religious principle, in respect to which he was a very heathen. Of the great works on which his reputation rests, we have now no time to enlarge.

We take leave of him, and of the subject of Greek learning in our country, with the hope of being able hereafter to treat the question relating to classical learning historically. By tracing the field of ancient learning from the subjugation of Greece to the present time, it will appear, that the study of the classical writers has advanced with the prosperity and practical industry of each nation; that it has declined where the spirit of free inquiry, and the enterprise of men, have been checked, and the thraldom of superstition asserted; that it has flourished best in the busiest and freest times, and that it assisted mankind to break the chains of authority in matters of religion and philosophy; from all which it might be lawful to make some inferences as to its tendency, its power, its value, and its adaptation to the present state of our society.

Art. IX.—1. *The Pioneers, or the Sources of the Susquehanna; a Descriptive Tale.* By the Author of 'Precaution.' New York. Charles Wiley. 1823. 2 vols. 12mo.

2. *The Last of the Mohicans; a Narrative of* 1757. By the Author of 'the Pioneers.' Philadelphia. H. C. Carey & I. Lea. 1826. 2 vols. 12mo.

The experiment of adapting American scenes, events, and characters to historical romance, was suggested but a few years ago. It has since been abundantly tried, and is still going on to such an extent, that we should have ample cause to regret the little countenance we may have given it, did we feel ourselves called upon to review, or even to read, half the trash which appears daily under this disguise. Mr Cooper, however, has the almost singular merit of writing American novels which everybody reads, and which we are of course bound to review now and then. For these last five or six years he has supplied the reading public annually with a repast of five or six hundred pages of such matter; so that we have a right to consider him

as publicly professing this department of elegant literature. It is too late to say, that he does not excel in it; or at least, that he has not some considerable merit; for however far he may fall short of our ideal standards, or wherever we may rank him among living writers, the public voice has long since confirmed to him the appellation of the American novelist, a title which was but sparingly and timidly suggested for the author of the Spy. No one has yet appeared among us who has been wholly able to cope with him in his proper walk; and we see no good reason why he should not be allowed, for the present at least, to maintain the distinction. We have heretofore devoted a few pages to the Spy and the Pilot; but time and our author have not ceased to be at work, and Lionel Lincoln, together with the Pioneers and the Last of the Mohicans (which are linked together by our author, and for that reason by us), are before the world. The American novelist must be set down, therefore, as having fairly entitled himself once more to the operation of a review; and we have it not in our hearts to deny any popular writer such a reasonable gratification as often as we can afford it.

The five tales which have been named above, certainly exhibit a variety of original character and novel incident, which entitles their author to the praise of great powers of invention; and with all their faults, they have that redeeming virtue of a novel, a power of warming the imagination and exciting, for the moment, a glowing interest in fictitious personages and visionary scenes. We have met persons, indeed, deficient neither in sound judgment, nor refined taste, nor yet with minds wholly destitute of fanciful association, who are bold enough to say, that they cannot work their way through one of Cooper's novels. Such readers we are strongly inclined to suspect of unfair dealing. They take up Cooper and are exceedingly disappointed, that he does not turn out to be Scott. In the first place, it is ten to one that they cannot abide an American novel from any quarter; or they have become entirely satisfied, that the author of the Spy is a very vulgar writer; or, without wholly prejudging the matter, they suffer their sensibilities to be so utterly shocked at some little indelicacy, or awkwardness, or inelegance, which is likely enough to occur in the ten first pages, that they throw down the book in disgust, long before the author has arranged those preliminaries, which he esteems necessary by way of groundwork, and which are apt to be somewhat dull

with the most vigorous and imaginative writers. But let him take up one of these tales, not as a subject of perpetual comparison with the Great Unknown, but for the *bonâ fide* purpose of suffering his imagination to be amused with scenes of fictitious life; let him read, as a child would read, for the sake of the action, rather than the argument or the style, and busy himself about disentangling the thread of the narrative, and watching the fortunes of the actors, instead of philosophizing on their characters or criticising their conversation (all which we take to be a clear usurpation of our own province), and we will venture to say, that no such unsophisticated novel reader ever called for his nightcap, until he had arrived at some of those natural resting-places, which every judicious author, consulting equally his readers' health, and his own reputation, will take care to intersperse at proper intervals; and which, by the way, it is sometimes a fault with our author, that he neglects to provide.

The same sort of magical authority over the spirit of romance, which belongs in common to Scott, Radcliffe, Walpole, and our countryman Brown, is, for us at least, possessed by this writer in an eminent degree. Places, for example, familiar to us from our boyhood, and which are now daily before our eyes, thronged with the vulgar associations of real life, are boldly seized upon for scenes of the wildest romance; and yet our imaginations do not revolt at the incongruity. We land with Lionel on the Long Wharf of Boston, and, under the guidance of Job Pray, tread its blind alleys, and wind through its crooked streets, the same which we pass daily in our common avocations, with much of the same feeling of adventure, with which we make our way into the Heart of Mid Lothian, or to the Sanctuary of White Friars. A military conclave at the Province House possesses something of the same interest as if it were holden before the walls of Tillietudlem; and we attend a midnight marriage at the altar of the King's Chapel, and feel our blood curdle at the overshadowing arm upon the wall, with the same superstitious terror as when the gigantic armor rattles in the purely imaginative Castle of Otranto. In short, we are borne along by the author through a crowd of romantic incidents and marvellous adventures, without stooping from the flight to consider the reality of things as they exist in the same places at the present day. This seems to us no inconsiderable proof of the power of the writer over us and his subject. Indeed, if we are called upon to state what, in our judgment, constitutes the

characteristic excellence of this writer, we should say, without hesitation, that it is exhibited in the rapidity of his incidents, the vividness of his action, and the invention of the machinery of the piece, by which we mean all that answers in the modern novel as a substitute for the mythological divinities of the ancient epopeia, or the giants and enchanters, fairies and weird sisters of Runic poetry and the elder romance; those subtile agents, bordering upon the preternatural, who weave, and, at pleasure, unravel the mysteries of the plot, and effect such surprises of the imagination as are essential to its dramatic effect. It is the creation and adaptation of a kind of machinery, which may be adequate to its objects, original in its character, and yet within the narrowed limits of modern probability, that stretch to the utmost the inventive faculties of the novelist; and our author has uniformly succeeded in producing something far enough from faultless, but sufficient to answer this great end.

On the other hand, we do not find that he describes with great effect the secret workings of the passions of the human heart; or that he moves our affections, by any other than mere external agents, and such commonly as are calculated to excite no softer or more sympathetic emotion than terror or surprise. He weaves the web of mystery, and our intellectual faculties are interested to disentangle the thread; in the progress of the task, our attention is constantly kept alive by rapid changes of scene and unexpected events; we find ourselves travelling in a strange country; we meet with sudden dangers that alarm us, and are astonished at miraculous escapes; there are great battles and a hot pursuit, and a rapid flight, passing before our eyes; we are kept hurrying on through numberless difficulties in a state of wonder and uneasiness; but our feelings are cold, and our hearts all the while unwrung by the distresses of our companions, or the shocking accidents which befall them; and when we have arrived at the end of our pilgrimage, when the mysteries are all unravelled, and the catastrophe is fully accomplished, we feel much the same sort of satisfaction, as if we had solved some intricate problem; but experience neither heartfelt joy nor deep regret for the good or ill fortune that may have chanced to the actors of the scene. The tender passion of course fills an important space in these tales; as where does it not? But we never fall in love with the heroine ourselves, nor can we, for our lives, conceive why any one else should; and we cannot bring

ourselves to sympathize in her sweet sorrows, unless we perceive that she is about to be scalped, or is menaced with some other enormous bodily harm.

The descriptions of natural scenery, which abound in some of these productions, are highly picturesque, and full of striking characteristics of the wild American landscape. They prove that the author has studied for himself in the great school of nature. But he succeeds best in imitating her extravagant and gigantic features. He chooses to paint upon the grand scale, and with a bold outline; and the numberless little beauties, which serve to fill up, and soften, and adorn the real scene, are wholly overlooked. His tendency is always to exaggerate. He aims at something striking and overwhelming; and in the attempt often becomes confused. We find ourselves in the midst of huge rocks, and overhanging woods, and tumbling cataracts, with a great mist, and a great noise, and we are utterly unable to settle the relative positions of these objects, so as to form any distinct picture from them in the mind.

The fictitious characters, which figure in the several scenes, are various enough, and show a great range of observation. Of whatever class, if not too much given to talking, they are commonly spirited and well sustained; and we are even very happy to converse with such of them as do not profess to belong to the upper circles. But the moment we set foot in a fashionable drawing room, we find the gentry there so abominably stiff in their manners, and with so much vulgar good breeding, and so dull, or flippant, or affected in their discourse, that we are heartily glad to escape from elegant society, and take a walk with our author into the woods, or step over to the neighbouring inn, where we are very likely to meet with somebody who can talk to the purpose in his own way.

Real personages are also occasionally introduced; but we do not think they add much to the interest of these tales, which have but slender merit as pieces of historical painting, so far as individual characters are concerned.

How far it may be expedient to mingle history and romance, and to make use of fictitious scenes to illustrate the leading characters of former days, may be matter of argument among the metaphysicians. For ourselves, we do not believe in the train of shadowy evils, which have been conjured up by some ingenious commentator on the Great Unknown, as attendant on the genius of historical romance. Why has not the same inge-

nuity detected the same fatal error in the historical dramas of Shakspeare, and in nine tenths of the tragedies that ever were written? But be this as it may, every one confesses a heightened interest and a new delight, when he sees the pedantic James, the haughty Elizabeth, and the lionhearted Richard, appearing unexpectedly on the theatre of romantic action, with the same look and the same deportment, which we had pictured for them in our imaginations from the pages of history; though should they look or act differently from what we had a right to expect, they become instantly intolerable. Mr Cooper has done little in this way. His great attempt, that of Washington, in the Spy, was a miserable failure. Paul Jones, in the Pilot, can scarcely be called a portrait; and the slight sketches in Lionel Lincoln are by no means touched with a master's hand, and give, we apprehend, but faint representations of their originals. In the Pioneers and the Last of the Mohicans, to which it is now time to advert, the author has shackled himself with no characters of this delicate description. In the latter he makes use indeed of names which are known in history; but they belong to persons who have left nothing but their names behind them, connected with one or two striking events in the provincial politics of the times.

The historical event of this piece is the capture of Fort William Henry by the French, in 1757. It is thus described in a letter of that time.

'Lieutenant Colonel Monroe commanded there with about two thousand men, composed, by detachments, from the thirtyfifth regiment, the sixtieth, and a body of the New Jersey militia; part of which were intrenched in the lines adjoining to the fort. On the third instant, an army under the Marquis de Montcalm (captain general and commander in chief of the French forces in Canada), consisting of eight thousand regulars and militia, some artillery, and fifteen hundred savages, invested the place, and cut off every communication, by which there was the least appearance or possibility of the garrison or trenches being reinforced, either with men, ammunition, or other stores. Colonel Monroe contrived to convey several letters to General Webb, who had retired to Fort Edward with five thousand men, to wait for further succours, which had been promised by the several provinces; but these supplies not being arrived, or likely to come in proper time, the General transmitted a letter to that effect to the Colonel, recommending it to him to make the best terms he could for the troops under his command. This letter was intercepted by the

Marquis on the morning of the ninth, and was sent by him without delay to the commanding officer of the garrison, accompanied with a peremptory demand of the surrender of the place, under pain of his not having it in his power to prescribe bounds to the savages, if he did not immediately comply. The gallant colonel, thus mysteriously forlorn, after making a very spirited defence, was thereby compelled to surrender on the same day; by which the troops under his command are restrained from further service against the enemy or their allies, for the space of eighteen months from the date of the capitulation; we had about three hundred, of every rank, killed and wounded during the siege; the loss of the enemy is uncertain, but by accounts from deserters who came to Fort Edward on the eighth, their loss could not then be less than twelve hundred men; this, my dear friend, (continues my correspondent) is a great number to lose in so short a time, and where there was no action; but the French general has acknowledged he never saw artillery better served than those of the garrison were. After the troops had marched out, which they were allowed to do with the usual honors of war, the savages, who before had been flattered with great hopes of plunder and scalps, notwithstanding the escort which our troops had to conduct them in safety to Fort Edward, and in sight of the whole French army, fell upon the poor fellows with the most barbarous rage, rifled the officers of everything they had, even to their shirts; and basely butchered several hundreds, neither sparing women or children; colonels Monroe, Young, and a few officers, with about three hundred men, retired to the French army, and put themselves under the Marquis's immediate protection; how this intricate affair, the inactivity of our forces, and this flagrant breach of faith on the part of the enemy, will be received at home, time only can evince.' *Knox's Historical Journal*, Vol. i. pp. 43, 44.

The two fortresses above mentioned were situated at the extremities of the *grand portage* between the waters of the Hudson and Lake George. The interval of some leagues was a howling wilderness, crossed only by a rude military road and a few Indian bypaths, but abounding with romantic scenery of the wildest and most picturesque character. This little tract of country, lying peculiarly exposed to a Canadian invasion, was the constant scene of deep and bloody interest to the rival colonies of France and England; and was destined to be the scene of yet deeper and more disgraceful interest to England in the later war of the Revolution. At the time of which our author treats, it was constantly infested with bands of the savage allies, which France had let loose upon our frontiers, spreading terror

and desolation into the very hearts of the colonies. Our modern fashionables, who take their summer's tour to Lake George and the Springs of Saratoga, may form some faint idea of the different condition of things in the days of which we speak, when they learn from the journal of an English officer, who spoke of what he saw, that 'there was a continual patrol of regulars going and coming between Schenectady and Albany, to prevent the Indians from scalping passengers!' The atrocious massacre at William Henry was but a repetition of that, which had occurred before at Oswego; and they were events in our provincial history well calculated to produce a sensation throughout the civilized world. It will be seen at once, therefore, that our author has chosen a time, a place, and an event, admirably adapted to romantic horrors of a certain description.

The interest of the piece turns upon the fortunes of two young ladies, the daughters of this Colonel Monroe, the Commandant of Fort William Henry. The young ladies, at the drawing of the curtain, are found (we wonder wherefore) stationed at Fort Edward, the head quarters of General Webb; but no sooner do they hear of the approach of Montcalm and his savages, than they set out (wherefore, we wonder yet more) to join their father at his more advanced and dangerous post. As there was no incessant patrol of regulars moving between the two forts, like that established on the highway between Schenectady and Albany, and William Henry was just upon the point of being invested by a vastly superior force of French and Indian arms, nothing could be more opportune than the conjuncture of time, place, and circumstance for this journey, which we take to be intended for nothing more than an interesting little tribute of filial affection. A small reinforcement, however, is despatched by General Webb; and this pursues its way through the forest, with all the glorious pomp and circumstance of war, along the broader and more beaten track. The ladies, on the other hand, prefer to journey by themselves in a bypath, with no larger escort than their friend Major Heyward, of the Royal Americans, and an Indian runner for their guide, who comes recommended by the circumstance of his having lately experienced a wholesome castigation at the order of their father, for being found drunk within his lines. The reason assigned by Major Heyward for this sagacious choice of roads, was, that parties of hostile Indians would be sure to hover about the army on the lookout for straggling scalps. The servants of his party, however,

are required to follow the march of the troops. We suppose the reason of this was, that the savages might not be wholly disappointed of their game; or perhaps it was a *ruse de guerre* to divert their attention. After this admirable disposition of forces, the Major's party is increased, we can hardly say strengthened, by the accession of David Gamut, a Connecticut singing master, whose motive for such a journey at such a time, is rather more inexplicable and quite as little explained, as is that of the young ladies; especially since the man of song professes himself not to be a man of war, and is provided with no better instrument of defence than his 'tooting we'pon,' commonly called a pitchpipe. Without undertaking to recount minutely the adventures of this hopeful expedition, it is enough for the reader to know, that their guide, as might have been expected, proves treacherous; that the party is captured by the hostile Indians, but rescued again by a white hunter and two friendly Mohicans, who are found loitering about the woods for the express purpose of being at hand in case any distressed party should want them. By their aid the errant damsels finally make their way through the French lines, enveloped in such a mist as carried Æneas incognito into the Tyrian capital; whereby they happily reach Fort William Henry in excellent time to be provided for in the articles of capitulation. The massacre follows. But the young ladies, instead of being scalped, are again carried off by the Indians, again found after a long search by their friends, and once more on the point of being rescued; but, alas! one of them is unfortunately tomahawked instead; the other lives to bestow her hand on Major Heyward as a reward for his signal services to the family, and make, what is commonly called, a happy termination.

This is the simple outline of the plot; and we cannot forbear to express our astonishment, that our author, who has exhibited so much ingenuity and invention in the interior conduct of the piece, should have suffered its claim to regard as a 'narrative' to rest on such a wretchedly improbable foundation. But *il n'est que le premier pas qui coute*, and after stretching our credulity far enough to overcome the first startling absurdity of such a tour as our author has here imagined, and having actually set forth in company with a Major of the Royal Americans, like a knight of the Holy Land with *two* distressed damsels under his wing, in search of all possible adventure, we enter instantly upon a continuous scene of intense and breathless interest; there is no break, no pause, no abiding place of rest; but we

are urged incessantly forward by an irresistible power, hurrying on to the final catastrophe through forests and cataracts, over lakes and mountains, by forts and ambushments, in the midst of bullets and bayonets, tomahawks and scalping knives, with the crack of '*la longue carabine*,' or the yell of a dying Indian, forever ringing in our ears; until we are heartily glad to draw a long breath at the end of the volume. Often enough, indeed, are we called upon to believe to the utmost; but it is not as it was at the outset; our imaginations have become excited; we have entered upon the haunted regions of romance; and the spell is too strong for the spirit of scepticism to dissolve; at least we found it so upon a first and rapid perusal. But having suffered ourselves once to be thus run away with, it becomes the province of grave reviewers, now that we have got beyond the swing of the tomahawk, and that our hair no longer bristles under the edge of the scalping knife, to take a calm survey of the ground we have gone over, and see what manner of monsters they may be, which inhabit these horrid regions. And to begin with 'a very delicate monster truly,' we must first make our readers acquainted with the aforesaid David Gamut, who is thus introduced by the author.

'The person of this remarkable individual was to the last degree ungainly, without being in any particular manner deformed. He had all the bones and joints of other men, without any of their proportions. Erect, his stature surpassed that of his fellows; though, seated, he appeared reduced within the ordinary limits of our race. The same contrariety in his members, seemed to exist throughout the whole man. His head was large; his shoulders narrow; his arms long and dangling; while his hands were small, if not delicate. His legs and thighs were thin nearly to emaciation, but of extraordinary length; and his knees would have been considered tremendous, had they not been outdone by the broader foundations on which this false superstructure of blended human orders, was so profanely reared. The ill assorted and injudicious attire of the individual only served to render his awkwardness more conspicuous. A sky blue coat, with short and broad skirts and low cape, exposed a long thin neck, and longer and thinner legs, to the worst animadversions of the evil disposed. His nether garment was of yellow nankeen, closely fitted to the shape, and tied at his bunches of knees by large knots of white ribbon, a good deal sullied by use. Clouded cotton stockings, and shoes, on one of the latter of which was a plated spur, completed the costume of the lower extremity of this figure, no curve or angle of which was concealed, but, on the

other hand, studiously exhibited, through the vanity or simplicity of its owner. From beneath the flap of an enormous pocket of a soiled vest of embossed silk, heavily ornamented with tarnished silver lace, projected an instrument, which, from being seen in such martial company, might have been easily mistaken for some mischievous and unknown implement of war. Small as it was, this uncommon engine had excited the curiosity of most of the Europeans in the camp, though several of the provincials were seen to handle it, not only without fear, but with the utmost familiarity. A large civil cocked hat, like those worn by clergymen within the last thirty years, surmounted the whole, furnishing dignity to a goodnatured, and somewhat vacant countenance, that apparently needed such artificial aid to support the gravity of some high and extraordinary trust.

'While the common herd stood aloof from the gathering group of travellers, in deference to the sacred precincts of the quarters of Webb, the figure we have described stalked into the centre of the domestics, who were in waiting with the horses, freely expressing his censures or commendations on the merits of the latter, as by chance they displeased or satisfied his judgment.

'"This beast, I rather conclude, friend, is not of home raising, but is from foreign lands, or perhaps from the little island itself, over the blue water?" he said, in a voice as remarkable for the softness and sweetness of its tones, as was his person for its rare proportions; "I may speak of these things and be no braggart, for I have been down at both havens; that which is situate at the mouth of Thames, and is named after the capital of Old England, and that which is called 'Haven,' with the addition of the word 'New;' and have seen the snows and brigantines collecting their droves, like the gathering to the ark, being outward bound to the island of Jamaica, for the purpose of barter and traffic in fourfooted animals; but never before have I beheld a beast, which verified the true Scripture war horse like this; 'he paweth in the valley, and rejoiceth in his strength; he goeth out to meet the armed men.' 'He saith among the trumpets, ha ha! and he smelleth the battle afar off; the thunder of the captains and the shouting.' It would seem that the stock of the horse of Israel has descended to our own time; would it not, friend?"' Vol. 1. pp. 10—12.

Our author has uniformly followed the example of the great lord and master of modern romance, in endeavoring to relieve his reader from the more painful and serious emotions of the tale by introducing some uncouth, ungainly, and unnatural being, bearing no imaginary likeness to anything on the earth

or under it, merely to flounder through a saraband for the amusement of the spectators, playing over the same awkward and extravagant gambols again and again, and uttering forever the same stupid jest in season and out of season, until our very hearts are expected to ache with delight. This being is and does nothing more than the queen's dwarf and the king's jester were wont to be and do of old; which concomitants of royalty, like many more important jewels of prerogative, have long since ceased from the face of the earth, and become extinguished in the progress of civilization. It would be difficult to find a good reason why they should not also be exterminated from the regions of modern, and especially historical romance. We are not among those, however, who are for tying down this species of composition to a very strict observance of the laws of congruity, any more than we are for perpetuating the dramatic unities in all the rigor of the French Academy. We have no objection to the occasional introduction of a caricature, and a pretty broad one too, provided it be well done, and really serve us a good turn, by affording reasonable excuse for a hearty laugh. But we do not think our author has usually been happy in this order of creation; and as for the present instance, we can truly say, that so far from having moved our merriment in the slightest degree, the unfortunate David Gamut never appears without wrapping us in a feeling of profound melancholy, and bringing on a fit of lugubrious reflection. He is, beyond comparison, the most stupid, senseless, useless, and unmeaning monster we remember ever to have met with. He does nothing towards the conduct of the piece, which could not have been better done without him; and performs no feat in the world for our amusement, save uplifting a New England psalm whenever he, or any one else, is in danger of being scalped. In short, he deserves no better appellation than such as the merry cavaliers of Charles the Second, had he flourished in those licentious days, would probably have bestowed upon him; but which we are far too polite to repeat to readers as polite as ourselves.

The next of the fairy creations, which we desire to introduce, is a brace of heroines.

'One, and she was the most juvenile in her appearance, though both were young, permitted glimpses of her dazzling complexion, fair golden hair, and bright blue eyes, to be caught, as she artlessly suffered the morning air to blow aside the green veil, which descended low from her beaver. The flush, which still lingered

above the pines in the western sky, was not more bright nor delicate than the bloom on her cheek; nor was the opening day more cheering than the animated smile, which she bestowed on the youth, as he assisted her into the saddle. The other, who appeared to share equally in the attentions of the young officer, concealed her charms from the gaze of the soldiery with a studious care, that seemed better fitted to the experience of four or five additional years. It could be seen, however, that her person, though moulded with the same exquisite proportions, of which none of the graces were lost by the travelling dress she wore, was rather fuller, and more mature than that of her companion.' Vol. I. p. 14.

And soon after, when her veil was allowed to open its folds in order to give her an opportunity of betraying 'an indescribable look of pity, admiration, and horror,' it was farther seen, that

'The tresses of this lady were shining and black, like the plumage of the raven. Her complexion was not brown, but it rather appeared charged with the color of the rich blood, that seemed ready to burst its bounds. And yet there was neither coarseness, nor want of shadowing, in a countenance that was exquisitely regular and dignified, and surpassingly beautiful. She smiled, as if in pity, at her own momentary forgetfulness, discovering by the act a row of teeth that would have shamed, by their dazzling whiteness, the purest ivory; when, replacing the veil, she bowed her face, and rode in silence, like one whose thoughts were abstracted from the scene around her.' p. 15.

Now this is what we call a luxuriant description of a fine full-blooded animal; 'her complexion was not brown, but it rather appeared *charged with the rich blood, that seemed ready to burst its bounds.*' The pleasurable sensation produced by the first view of this epicurean beauty, is not a little enhanced by the subsequent discovery, that the peculiar *richness* of her blood, which is perpetually spoken of, was owing to a slight African tinge, derived from her ancestors in the female line. For Cora, such is the name of this dark eyed houri, and Alice, her fairer haired companion, were sisters by the father's side only; and the Colonel, in his youth, had spent some years with his regiment on the West India station; where, by a remote consequence, Cora was born, to be a heroine of dark descent. But when death had deprived him of his 'dusky love,' he returned to his native Scotland, and there married, as we learn from his own

lips, a 'suffering angel' (a white one), who 'had remained in the heartless state of celibacy twenty long years, and that for the sake of a man who could forget her;' and so Alice came into the world. But it is much easier to account for the fact, that either of them should have come into the world, than that they should have come into the American wilderness at such a time, without some more particular provocation than a mere girlish desire to visit their father in the midst of his duties and dangers. The respective characters of these young ladies are as opposite as their complexions. Alice is timid and sensitive, always shrinking and shrieking at the approach of danger; while Cora is quite a bold young woman, and makes rather free, we think, with the savages. This, probably, she felt the better title to do, in respect of the dark blood which flowed in her own veins.

There is no task of the novel writer more difficult, we suppose, than that of delineating a good female character; at least the frequency of the failure seems to justify this presumption. Whether it be, that the softer sex is less marked by striking and individual character, or because we are less accustomed to see them in scenes which call it forth, or because their *genuine* peculiaries are of too ethereal a cast for the rude nature of man to imitate successfully, or because our tastes are somewhat capricious upon this interesting topic, are questions which we shall leave to the philosophers. Certain it is, that the heroine is commonly the least agreeable article in a good novel, and quite intolerable in a bad one. Scott himself has but seldom succeeded; our author, we think, never. In the present case, we are free to confess, that so far as Cora is concerned, our judgments, like Major Heyward's, may be somewhat biassed. We mean no offence whatever to the colored population of the United States; on the contrary, we have a great esteem for them in certain situations; and we acknowledge it to be a vile and abominable prejudice; but still we have (and we cannot help it) a particular dislike to the richness of the negro blood in a heroine. But supposing this extraordinary and superfluous blemish wiped out, what is there in the character either of Cora or of Alice, which adds to the interest of the piece? We are deeply interested in certain scenes of peril, which they encounter; but we are so simply because of the character of the perils themselves. We are moved at the sight of a young female bound to a tree by a troop of fierce and inexorable savages; we shudder at the stroke of the tomahawk which severs her

tresses, without much considering whether they be raven or sandy; nor, under the feverish excitement of the scene, do we stop to ask ourselves if this helpless victim be a lady of high degree, or a simple washerwoman. It is certain, that the emotion of the scene would be immeasurably heightened if the fair being, who seems doomed to a lingering death, were one who had already wound her way into our affections, and created a peculiar interest for herself by some touching and attractive traits of female loveliness. But the spectacle has a horrid interest of its own, apart from all considerations of the character of the sufferer; and this species of interest it is, an interest derived from the novelty, the rapidity, the horror of the incidents, and this only, we think, which carries us through the book. Does the author ask, why we are neither satisfied with the feminine timidity of Alice, nor with the proud bearing of the ardent and noble minded Cora? We answer, chiefly for the same reason, that we were dissatisfied equally with Isabella Singleton and Frances Wharton, or with Katharine Plowden and Cecilia Howard; for the same reason, that we are now dissatisfied with all the heroines of the Pioneers and of Lionel Lincoln; it is, that they are all miserably deficient in the grace and ease, gentility of deportment, true delicacy, and unaffected refinement, which properly belong to the sphere of life in which they are designed to move; or in other words, because no one of them exhibits, according to our conceptions, what we suppose each of them is designed to exhibit, the true notion of a wellbred lady. Nor ought we to confine our remarks now, more than formerly, to the female characters, in regard to this sort of defect. It belongs rather to the high life of either sex; and, as it would in the intercourse of real life, appears most conspicuous in their mutual conversation. We have heretofore, perhaps, said enough upon this head; but we really esteem it a great drawback from the pleasure of reading this writer's compositions. It is hardly worth while to attempt to point out examples of a fault, which runs through a whole series of works, and cannot fail to strike every educated reader. Besides, we might not make ourselves very intelligible, after all, to the writer, without consuming more time than we have to spare. A single passage we will quote, because it is short. Cora urges Heyward, when all hope of escape seems cut off from Alice and herself, to preserve his own life by abandoning them to their fate.

'After the last look at Uncas, Cora turned, and, with a quivering lip, addressed herself to Heyward;

'"I have heard of your boasted skill in the water, too, Duncan," she said; "follow, then, the wise example set you by these simple and faithful beings."

'"Is such the faith that Cora Munro would exact from her protector," said the young man, smiling, mournfully, but with bitterness.

'"This is not a time for idle subtleties and false opinions," she answered; "but a moment when every duty should be equally considered. To us you can be of no further service here, but your precious life may be saved for other and nearer friends."

'He made no reply, though his eyes fell wistfully on the beautiful form of Alice, who was clinging to his arm with the dependency of an infant.

'"Consider, after all," continued Cora, after a pause of a moment, during which she seemed to struggle with a pang, even more acute than any that her fears had excited, "the worst to us can be but death; a tribute that all must pay at the good time of God's appointment."

'"There are evils even worse than death," said Duncan, speaking hoarsely, and as if fretful at her importunity, "but which the presence of one who would die in your behalf may avert."

'Cora instantly ceased her intreaties, and veiling her face in her shawl, drew the nearly insensible Alice after her into the deepest recess of the inner cavern.' Vol. i. pp. 116, 117.

The whole of this dialogue is stiff and inelegant; but the latter allusion, if we do not mistake it, is such as never would have been made by a gentleman of high breeding to refined young women, however circumstanced; besides, it was an unnecessary and cruel augmentation of the misery of their situation. We would observe, also, *en passant*, that 'smiling mournfully, but with bitterness,' is to us a very indefinite phrase; it conveys to our mind's eye no particular shade of expression in the human countenance. It is a trifling example of our author's old passion for attempting to characterize, by describing changes of countenance, as minutely as a meteorologist would note the variations of the barometer. It is true, that this and other minor defects of style have been very much amended; but there is yet room for improvement.

The other members of civilized society, who figure in this work, have very little that entitles them to comment. Major Heyward, of the Royal Americans, is a warm blooded Southern planter, who fights and loves with more valor than discretion,

and informs Colonel Munro that more than half the guns of the Fort are *bursted*. The Colonel himself was designed for a venerable and gallant Scotch officer, who had grown very grey and very proud in his Majesty's service; but after the capture of the Fort and the loss of his daughters, he turns out, by mistake, to be a drivelling old dotard, whom our author ought to have had good sense enough to put out of the way, whether history agrees to it or not. At any rate, we cannot imagine his motive in dragging the old gentleman through a whole volume of imaginary adventure in a state of perfect imbecility.

The main design of this work, however, is manifestly to exhibit the characteristics of savage rather than civilized life, as they exist or once existed in the wilds of North America. The Aborigines of our soil constitute the great machinery of the piece, and the few civilized whites, who appear to take an active part in the plot, are in fact introduced merely as objects on whom the Indians may operate to advantage. We have long since looked upon the character of the North American savage as one admirably calculated to form an engine of great power in the hands of some ingenious master of romance, who had a true notion of this part of his subject; and the success with which it has been managed by Mr Cooper in the present work, is a striking example of its effect. Beings that went by this name, and were in fact meant to represent North American Indians, have acted their parts, more or less important, in the world of fiction, almost ever since the discovery that such creatures existed. But the representation has commonly borne no greater similitude to the red warrior of the woods, than it has to a chieftain of Timbuctoo, or the solitary hero of the moon. They have not been copies from nature; but mere creations of the poet's brain, the half formed dreams of a disturbed imagination. Mr Cooper's Indians are somewhat of the visionary order too; but then he has dreamed a more consistent dream upon the subject than most of his predecessors, and has interwoven with his vision more of what really belongs to the aboriginal character than any other writer of poetry or romance. The great difficulty is that which we suggested, by the way, in a late article on this interesting subject; namely, that he has relied exclusively upon the narrations of the enthusiastic and visionary Heckewelder, whose work is a mere eulogium upon the virtues of his favorite tribe, and contains, mixed with many interesting facts, a world of pure imagination. So far as things have fallen under his own daily

observation, the account of an old man who had spent a long life among the people whose manners and usages he attempts to describe, is doubtless valuable, and to be received *cum grano salis* only by reason of his enthusiastic temperament, and ardent prejudices in favor of his adopted children; but beyond this, we think, it has been pretty clearly demonstrated, that he is not entitled to belief, being himself the victim of an easy credulity. It is therefore with great regret, that we have seen his wild traditions adopted by an author so generally read, and so deservedly popular, for the sober voice of history, and the whole fable of the superior virtues and glories of the Lenni Lenape, incorporated into this tale, and made the basis of its Indian mythology, for such it must be called. This would be of trifling moment, perhaps, and in general not to be complained of in a work of fiction. But the extreme minuteness with which the rites and ceremonies of this singular people are described, when by no means necessary to the action of the piece, render it apparent, that the author really supposed he was doing the fashionable world some service, in familiarizing them with the manners of a race but little known. And in fact we are given plainly to understand in the preface (so far as anything certain can be learnt from one of Mr Cooper's prefaces), that we are not to look here for 'a romantic and imaginary picture of things, which never had an existence;' but are to take the work to be 'exactly what it professes to be in its title-page, a narrative.' And in this particular we protest against it, as presenting altogether a false and ideal view of the Indian character. We should be glad to know, for example, in what tribe, or in what age of Indian history, such a civilized warrior as Uncas ever flourished? Uncas is represented as falling in love with Cora at first sight. This we do not object to, as we suppose an Indian is about as likely to fall in love at first sight as a white man. But then, we apprehend, he has his own aboriginal mode of expressing the tender passion. We remember once to have had the honor of meeting a deputation of Pawnee chieftains in a fashionable drawing room. One of the Sagamores, intoxicated partly with beauty and partly with rum, approached a young belle, and raising both his hands, exclaimed, 'Oh!' (or it might have been Hugh!) 'pretty!' This we took, at the time, to be the beginning of an Indian courtship; though great doubts were entertained whether the admiration of the savage had been thus excited by the beauty of the lady, or the brilliancy of her necklace. Now no flower of ancient chivalry

was ever possessed of more respectful devotion to his lady love than Uncas; no modern carpet knight ever expressed his sublimated affection by more delicate and refined attentions. At one time he tenders to Cora all those little offices, which, according to the customs of civilized man alone, are not menial, because a voluntary homage to the weak; but which, according to the customs of the Indian, are the proper tribute which the squaw is bound to render the accomplished warrior, who honors her with a place in his wigwam. At another time, instead of scalping the dead, whom he had conquered in battle, he leaves it to his father to gather all the trophies of the field, and flies, '*with instinctive delicacy*, accompanied by Heyward, to the assistance of the sisters, and quickly releasing Alice, placed her in the open arms of Cora.' The instinctive delicacy of an Indian is romantic enough, to be sure; but it will not serve for 'narrative.'

Chingachgook, the father of Uncas, and at his death the last of the Mohicans, is drawn far nearer to the life; though even he smacks a little too much of civilization. Magua, or Le Renard Subtil, as he was styled by the French, is, on the other hand, one of those licensed instruments of romance, which belong rather to the diabolical orders of creation, than to any tribe of the human species, savage or civilized. He is the grand agent of mischief in the plot; a well conceived and well sustained, though somewhat exaggerated character. He is the runner who brings the news to Fort Edward of Montcalm's approach, and treacherously undertakes to guide Heyward and the daughters of Munro to William Henry by a shorter route than that which the army must pursue. But we shall best give his history and his character in some extracts, from a dialogue with Cora, after she and her sister have become his captives.

'"Magua was born a chief and a warrior among the red Hurons of the lakes; he saw the suns of twenty summers make the snows of twenty winters run off in the streams, before he saw a pale face; and he was happy! Then his Canada fathers came into the woods, and taught him to drink the firewater, and he became a rascal. The Hurons drove him from the graves of his fathers, as they would chase the hunted buffalo. He ran down the shores of the lakes, and followed their outlet to the 'city of cannon.' There he hunted and fished, till the people chased him again through the woods into the arms of his enemies. The chief, who was born a Huron, was at last a warrior among the Mohawks!"'

'"When his English and French fathers dug up the hatchet, Le Renard struck the war post of the Mohawks, and went out against his own nation. The pale faces have driven the red skins from their hunting grounds, and now, when they fight, a white man leads the way. The old chief of Horican, your father, was the great captain of our war party. He said to the Mohawks do this, and do that, and he was minded. He made a law, that if an Indian swallowed the firewater, and came into the cloth wigwams of his warriors, it should not be forgotten. Magua foolishly opened his mouth, and the hot liquor led him into the cabin of Munro? What did the gray head? let his daughter say."

'"He forgot not his words, and did justice, by punishing the offender," said the undaunted maiden.

'"Justice!" repeated the Indian, casting an oblique glance of the most ferocious expression at her unyielding countenance; "is it justice to make evil, and then punish for it! Magua was not himself; it was the firewater that spoke and acted for him! but Munro did not believe it. The Huron chief was tied up before all the pale faced warriors, and whipped with sticks, like a dog."'

'"I had thought," resumed Cora, "that an Indian warrior was patient, and that his spirit felt not, and knew not, the pain his body suffered?"

'"When the Chippewas tied Magua to the stake, and cut this gash," said the other, laying his finger proudly on a deep scar on his bosom, "the Huron laughed in their faces, and told them, women struck so light! His spirit was then in the clouds! But when he felt the blows of Munro, his spirit lay under the birch. The spirit of a Huron is never drunk; it remembers for ever!"

'"But it may be appeased. If my father has done you this injustice, show him how an Indian can forgive an injury, and take back his daughters. You have heard from Major Heyward—"

'Magua shook his head, forbidding the repetition of offers he so much despised.

'"What would you have," continued Cora, after a most painful pause, while the conviction forced itself on her mind, that the too sanguine and generous Duncan had been cruelly deceived by the cunning of the savage.

'"What a Huron loves—good for good; bad for bad!"

'"You would then revenge the injury inflicted by Munro, on his helpless daughters. Would it not be more like a man to go before his face, and take the satisfaction of a warrior?"

'"The arms of the pale faces are long, and their knives sharp!" returned the savage, with a malignant laugh; "why should Le

Renard go among the muskets of his warriors, when he holds the spirit of the gray head in his hand?"

'"Name your intention, Magua," said Cora, struggling with herself to speak with steady calmness.'

'"Listen," said the Indian again. "The light eyes can go back to the Horican, and tell the old chief what has been done, if the dark haired woman will swear, by the Great Spirit of her fathers, to tell no lie."

'"What must I promise?" demanded Cora, still maintaining a secret ascendancy over the fierce passions of the native, by the collected and feminine dignity of her presence.

'"When Magua left his people, his wife was given to another chief; he has now made friends with the Hurons, and will go back to the graves of his tribe, on the shores of the great lake. Let the daughter of the English chief follow, and live in his wigwam for ever."

'However revolting a proposal of such a character might prove to Cora, she retained, notwithstanding her powerful disgust, sufficient self command to reply, without betraying the least weakness.

'"And what pleasure would Magua find in sharing his cabin with a wife he did not love; one who would be of a nation and colour different from his own? It would be better to take the gold of Munro, and buy the heart of some Huron maid with his gifts and generosity."

'The Indian made no reply for near a minute, but bent his fierce looks on the countenance of Cora, in such wavering glances, that her eyes sunk with shame, under an impression, that, for the first time, they had encountered an expression that no chaste female might endure. While she was shrinking within herself, in dread of having her ears wounded by some proposal still more shocking than the last, the voice of Magua answered, in its tones of deepest malignancy;

'"When the blows scorched the back of the Huron, he would know where to find a woman to feel the smart. The daughter of Munro would draw his water, hoe his corn, and cook his venison. The body of the gray head would sleep among his cannon, but his heart would lie within reach of the knife of Le Subtil."'

Vol. I. pp. 152—157.

The passions of the Huron, as here developed, are, in fact, anything but characteristic of the North American savage; and it may well be doubted whether a ferocious Indian, instead of taking the scalps of the ladies on the spot, would have reserved himself for a species of revenge so distant and so refined, as

that which Magua clearly contemplated. The dialogue, however, is not without power.

But it is time to advert to the real hero of the piece. Nathaniel Bumppo, called by the Delawares Hawkeye, from his quick and accurate sight, was a provincialist, who from early life had associated with the Indians as a hunter, and become attached to them, or at least to the tribe of the Mohicans, and their wandering mode of life. At the time our author takes him up, he had been for some years employed as a scout and partisan warrior in the Canadian wars. In these hazardous services he was joined with Uncas and his father, the great Mohican chief; and the three had rendered themselves so formidable to the enemy, that they were universally known and dreaded by the French and their savage allies under certain nicknames, which they had bestowed upon them as indicative of some peculiar qualities. Uncas, from his agility and swiftness of foot, was called Le Cerf Agile; Chingachgook, either from the manner in which he secretly glided upon his enemies, and again eluded their grasp, or because they esteemed him perhaps little better than the arch fiend himself, was Le Gros Serpent; and Nathaniel Bumppo, from the tremendous effect of his long rifle, was named La Longue Carabine. These wars were particularly formidable to our ancestors from the number and ferocity of the savage allies of France; the vast American forest presented no field for regular tactics and scientific warfare; so that it became necessary for the English to meet the invaders with some arm better fitted to the nature of the country and the character of the enemy, than the well drilled mechanical soldier of Europe. For this purpose they did not scruple to employ such tribes of Indians as were not already enlisted against them; but their main dependence was upon the hardy yeomanry of the country, who were more interested to defend the soil, and who had learnt from long experience how to meet their wily and remorseless foe. These men were sometimes formed into regular companies and battalions of rangers; but more often mingled with the natives of the forest in desultory warfare, and formed small independent skirmishing parties, in which the red and the white man fought side by side, and shared together the hardships and privations of the wilderness. When this course of life was pursued year after year, it is not surprising that many a white man should have partially adopted the habits and manners of his red associates, and become averse to the restraints of civilized life. Similar

instances, though rare, may be found even at the present day. Who has not heard of the white hunter and warrior, famous in his day, who had settled himself down in some distant and secluded spot to pass the remnant of his life, as he imagined, far from the encroachments of civilization? But after a few years a settlement of whites is formed in his vicinity, and he becomes so much annoyed by this interruption of his repose, that he voluntarily abandons his habitation, and plunges into the wilderness anew.

To the suggestions of some such fact, we probably owe the character of the scout, a bold and original conception, which we think, upon the whole, the best piece of invention our author has ever produced; one, we may say, which deserves to be ranked in the first class of the creations of genius. The scout, though averse to the modes of life 'down in the settlements,' is neither a savage, nor a misanthrope; on the contrary, he has a vast deal of the milk of human kindness in his composition, with an excellent moral code of his own manufacture, and religious notions which certainly do great honor to the wilderness. He adopts many of the prejudices, but few of the superstitions, and none of the barbarous practices of the people with whom he lives; and notwithstanding his attachments to savage life, he yet piques himself upon being 'genuine white,' or as he more often expresses it, 'a man without a cross.' It is true, that he considers it but an act of justice to spill the blood of a Mingo, being the natural enemy of his Mohican friends; but then, if it falls to his lot to do the deed, he chooses to do it in a civilized way, by bringing him down at a long shot with a rifle; or perhaps, if it comes to close quarters, by knocking his brains out with the butt; for the use of a tomahawk or a scalping knife he esteems 'contrary to the gift and natur of a white man,' though allowable enough in an Indian. His feats of skill with this favorite weapon are indeed prodigious; he accounts for it by informing us, that he has 'a natural turn for a rifle,' which he concludes belongs to the Bumppos, and 'must have been handed down from generation to generation, as our holy commandments tell us, all good and evil gifts are bestowed; though,' he modestly adds, he should be 'loth to answer for other people in such a matter.' He has a great share of untutored sagacity, which gives him a deep insight into human nature, according to his means and opportunities of studying it in the wilderness; and he rivals the Indians themselves in his skill at following the hid-

den 'trail' of an enemy, or concealing his own, as well as in all other peculiar learning of the woods. He has, moreover, a great deal of natural poetry in him, without being in the least aware of it; and some of the most poetical sketches of wild scenery, which our author has given, seem to fall by accident from the lips of the scout. The following description of a natural cavern, into which he had carried the travellers in the dark, as a place of security for the night, may be taken as a specimen.

'"Such old foxes as Chingachgook and myself, are not often caught in a burrow with one hole," said Hawkeye, laughing; "you can easily see the cunning of the place; the rock is black limestone, which everybody knows is soft; it makes no uncomfortable pillow, where brush and pine wood is scarce; well, the fall was once a few yards below us, and I dare to say was, in its time, as regular and as handsome a sheet of water as any along the Hudson. But old age is a great injury to good looks, as these sweet young ladies have yet to l'arn! The place is sadly changed! These rocks are full of cracks, and in some places, they are softer than at othersome, and the water has worked out deep hollows for itself, until it has fallen back, ay, some hundred feet, breaking here, and wearing there, until the falls have neither shape nor consistency."

'"In what part of them are we?" asked Heyward.

'"Why, we are nigh by the spot that Providence first placed them at, but where, it seems, they were too rebellious to stay. The rock proved softer on either side of us, and so they left the centre of the river bare and dry, first working out these two little holes for us to hide in."

'"We are then on an island?"

'"Ay! there are the falls on two sides of us, and the river above and below. If you had daylight, it would be worth the trouble to step up on the height of this rock, and look at the perversity of the water! It falls by no rule at all; sometimes it leaps, sometimes it tumbles; there, it skips; here, it shoots; in one place 't is white as snow, and in another 't is green as grass; hereabouts, it pitches into deep hollows, that rumble and quake the 'arth; and thereaway, it ripples and sings like a brook, fashioning whirlpools and gullies in the old stone, as if 't was no harder than trodden clay. The whole design of the river seems disconcerted. First it runs smoothly, as if meaning to go down the descent as things were ordered; then it angles about and faces the shores; nor are there places wanting, where it looks backward, as if unwilling to leave the wilderness, to mingle with the salt! Ay, lady, the fine cob-

web looking cloth you wear at your throat, is coarse, and like a fish net, to little spots I can show you, where the river fabricates all sorts of images, as if, having broke loose from order, it would try its hand at everything. And yet what does it amount to! After the water has been suffered to have its will for a time, like a headstrong man, it is gathered together by the hand that made it, and a few rods below you may see it all, flowing on steadily towards the sea, as was foreordained from the first foundation of the 'arth!"' Vol. I. pp. 73—75.

The scout and the two Mohican chiefs may be looked upon as the friendly genii, whose good office it is, with such aid as the Major is competent to render, to counteract the evil machinations of the fiendish Magua, and interpose, on all occasions of imminent peril, to rescue or protect the wandering damsels. When they first find good cause to suspect that their guide has misled them, these persons are found loitering at hand in the forest, and immediately espouse their cause, and lead them to the cavern under Glenn's Falls, which is above described. The nocturnal scene in this cavern is highly picturesque; though its romantic beauty is not a little disturbed by the absurdity of the ladies undertaking to join David Gamut in a psalm, under the edge of a cataract, the roar of which was distinctly heard, as we learn a few pages before, a mile off. Upon this occasion, however, the rushing of the waters only 'ran through their melody, like a hollow accompaniment,' which added infinitely to the effect. The fair psalmodists are disturbed in the midst of their melody by a horrid unearthly cry, which neither the scout, nor the Indians, who thought themselves familiar with all the sounds of the forest, and all the cries of man and beast, could account for. We were as much astonished as they, when we discovered that the strange and horrid noise proceeded from the horses of the travellers. These were left standing in a shallow part of the river, and concealed under a projecting bank, which it seems was now covered by a pack of hungry wolves. We should hardly think the alarm produced by the mere vicinity of these enemies sufficient to cause so unusual a phenomenon as the shriek of the horse. This, however, is a matter which we must turn over to the naturalists. The effect of this extraordinary sound is highly disastrous; as it guides the party of Indians, whom Magua had in ambush, to the spot. At dawn of day, just as the travellers are preparing to move, the well known war whoop is suddenly raised in the surrounding

woods, and David Gamut, thrusting his head from the cavern, to find out the meaning of such a discord, draws the fire of a dozen rifles upon him, and falls senseless on the rock. Would that he had slumbered there for ever! A grand skirmish ensues. A variety of expedients are tried by the assailants, with characteristic ingenuity, to get footing on the island. But the rifle of Hawkeye deals out certain death to any warrior who exposes his person in the attempt, until a cunning savage, by some unperceived approach, gets possession of the canoe, containing all the ammunition of the party, and thus leaves them (being upon an island) without means either of retreat or defence. In this emergency, the two Mohicans and the scout take advantage of a moment when the enemy are out of sight to drop one by one into the water, and suffer themselves to be carried down the rapid unobserved, to some safe landing place. The rest of the party, being unable to follow the example, remain concealed in the cavern, where, after a long and baffling search of breathless interest, they are finally detected and captured by Magua. The whole of this bustling scene is described with our author's usual vivacity and force. It is among the most exciting in the book, and affords a fair sample of the kind of interest which is sustained throughout, and of the means by which it is created. At the same time, the description is by no means free from confusion. We must confess, that after several readings, we have derived from it but a dark idea of the topography of Glenn's Falls, and of the structure of its curious cavern.

The capture is followed by a rapid flight. Part of the Indian force is led northward to rejoin the army of Montcalm; but the prisoners are borne off toward the south by six savages under Magua's command. Their first halt is on the top of a steep conical hill in the neighbourhood of the 'health springs' either of Ballston or Saratoga, which seemed, from its towering view, to secure them effectually against sudden and unforeseen assaults. Here the dialogue of Cora and Magua takes place, from which we have given an extract above. When the vindictive Indian finds his proposals scornfully rejected by Cora, stung by this new injury, he employs his dangerous oratory in stirring up the ready spirit of revenge, which was lurking in the breasts of his comrades, against their defenceless captives, who are consequently tied to trees in each other's sight, and prepared for the torture. The first tomahawk is actually thrown at Alice, and quivers in the tree above her head.

'The sight maddened Duncan to desperation. Collecting all his energies in one effort, he snapped the twigs which bound him, and rushed upon another savage, who was preparing, with loud yells, and a more deliberate aim, to repeat the blow. They encountered, grappled, and fell to the earth together. The naked body of his antagonist, afforded Heyward no means of holding his adversary, who glided from his grasp, and rose again with one knee on his chest, pressing him down with the weight of a giant. Duncan already saw the knife gleaming in the air, when a whistling sound swept past him, and was rather accompanied, than followed, by the sharp crack of a rifle. He felt his breast relieved from the load it had endured; he saw the savage expression of his adversary's countenance change to a look of vacant wildness, and then the Indian fell prostrate and dead, on the faded leaves by his side.' Vol. I. p. 166.

This comes from no other than one of Hawkeye's long shots; and is followed by himself, striding out of a little thicket, brandishing his formidable rifle, and shouting, 'Extarminate the varlets! no quarter to an accursed Mingo!' while at the same instant, Uncas bounds into view; and at the next, Chingachgook glides like a ghost to his side. A desperate hand to hand fight ensues, which is finally reduced, by the death of all the other Hurons, to a fearful struggle between Magua and Chingachgook, and this terminates in the escape of the former by a stratagem. The two combatants are grappled together upon the earth, mutually thrusting at each other's hearts, and eluding the deadly blow, with such subtle and rapid evolutions over the little plain that crowned the summit of the hill, that neither can Uncas put in a knife, nor Hawkeye bring down the breech of his rifle, without danger of mistaking friend for foe. In this manner they roll towards the edge of the sudden descent, when a seemingly fatal blow is dealt by the Mohican. The Huron relaxes his grasp, and falls back apparently dead; the rifle of the scout is just raised to make sure of him, when he rolls over the precipice, and instantly bounds into the surrounding thicket. This escape of Magua savours perhaps too much of the miraculous; and the expressions, intended to denote energy of action, are sometimes mere hyperbole; as where Uncas is made 'to bound from his footsteps, appearing for an instant darting through the air,' and then '*descending in a ball upon the chest of his enemy, driving him many yards from the spot* headlong and prostrate.' But upon the whole, the scene is described with so much spirit

and effect, that we are half inclined to extract it. It is one of the best of a kind in which our author excels.

The next striking scene is that of the block house, to which Hawkeye conducts his party to rest for a portion of the night; a building formerly raised by himself for a temporary defence against the Maquas, and now mouldering in decay. The approach of a hostile party towards this new place of concealment; the mingled curiosity and awe with which two of the strangers, who had made their way into the little 'clearing,' gaze by moonlight on the house and the low mound beside it, and their respectful retreat when satisfied that the latter covers the ashes of warriors slain in a former fight, are admirably told. Yet it seems to us somewhat inconsistent with the character of Indians, searching for a hidden enemy, that they should have suffered any superstitious veneration for the dead to prevent their examining so likely a place of refuge to the living, as the interior of the block house.

As soon as the enemy are beyond hearing, the journey is renewed, and we are brought before morning to the shores of the 'Bloody Pond.' Nothing can be better than the natural feeling of superstitious awe with which the sturdy woodman points out the spot where he had himself assisted at the massacre of a considerable party of the enemy, whose dead, 'and some say dying,' were promiscuously cast into the pond; or the ghostly terror with which he discerns a human figure stalking along its shadowy margin. It turns out to be a French sentinel; whose challenge is answered by Heyward as a French officer just returned from a reconnoitre, having fortunately captured the daughters of the English commander; on which the Frenchman exclaims, '*Ma foi! mesdames; j'en suis faché pour vous;*' touching his cap with studious politeness and no little grace; '*mais, fortune de guerre! vous trouverez notre général un brave homme, et bien poli avec les dames;*' to which Miss Cora makes an equally polite reply in the same tongue, and the Frenchman turns off with another low bow, and renews his walk, humming to himself, '*Vive le vin, vive l'amour,*' &c. All this is very silly and affected; and we have more of the same stuff afterwards in the negotiation carried on by Heyward with Montcalm. If it is necessary to write French for the Frenchmen, why, when the natives hold a talk, does not the author give us a little Indian also? And why does he not carry it out and write the whole of a French conversation in French, instead of

interlarding their language with such broken patches as, 'Your commandant is a brave man; *mais, monsieur*, is it not time to take more counsel of humanity?' '*Ces messieurs là* are most formidable when baffled.' '*Eh bien, monsieur!* shall we speak of the terms of the surrender?' [Vol. I. pp. 239, 241.] Why translate a part for the speaker, and not the whole? Shakspeare is quite a pattern of a writer in some things; but we never liked his scenes in bad French; and think this mingling of tongues, unless in the way of ordinary quotation, or for the sake of introducing some solitary characteristic expression, like the *Qui vive?* of the sentinel is, to say the least of it, in very bad taste.

The author here introduces one of those unexpected horrors, which make the blood curdle and the heart sicken. The gay sentinel is humming his favorite air, and the party are pursuing their way.

'"'T is well you understood the knave!" whispered the scout, when they had gained a little distance from the place, and letting his rifle fall into the hollow of his arm again; "I soon saw that he was one of them uneasy Frenchers, and well for him it was, that his speech was friendly, and his wishes kind; or a place might have been found for his bones amongst those of his countrymen."

'He was interrupted by a long and heavy groan, which arose from the little basin, as though, in truth, the spirits of the departed lingered about their watery sepulchre.

'"Surely, it was of flesh!" continued the scout; "no spirit could handle its arms so steadily!"

'"It *was* of flesh, but whether the poor fellow still belongs to this world, may well be doubted," said Heyward, glancing his eyes quickly around him, and missing Chingachgook from their little band. Another groan, more faint than the former, was succeeded by a heavy and sullen plunge into the water, and all was as still again, as if the borders of the dreary pool had never been awakened from the silence of creation. While they yet hesitated in an uncertainty, that each moment served to render more painful, the form of the Indian was seen gliding out of the thicket, and rejoined them, while with one hand he attached the reeking scalp of the unfortunate young Frenchman to his girdle, and with the other he replaced the knife and tomahawk that had drank his blood. He then took his wonted station, a little on one flank, with the satisfied air of a man who believed he had done a deed of merit.

'The scout dropped one end of his rifle to the earth, and leaning his hands on the other, he stood musing a moment in pro-

found silence. Then shaking his head in a mournful manner, he muttered—

'"'T would have been a cruel and unhuman act for a white skin; but 't is the gift and natur of an Indian, and I suppose it should not be denied! I could wish, though, it had befallen an accursed Mingo, rather than that gay, young boy, from the old countries!"' Vol. I. pp. 211, 212.

The manner in which this dark deed is accomplished is, in truth, highly characteristic of the Indian. It is a natural, though shocking incident, and told with effect. It bears a similar character, if not nearly equal in effect, to the hanging of the 'skinner' in the Spy, or the drowning of Dillon in the Pilot. The feeling of unmingled horror which it creates, is a species of excitement to which our author is somewhat too fond of resorting; well knowing, that he manages it with great power. It is a power, however, which should be cautiously used; for horror is an emotion, which it does not require the highest order of talent to raise, and one which borders too nearly upon disgust, to be often employed with success. We do not complain of the present instance, because our minds are somewhat prepared by the nature of the scene, the gloomy imaginations which haunt the borders of the 'Bloody Pond,' and because, as the scout says, the act is according to 'the gift and natur of an Indian,' with whose modes of destruction we have now become in some degree familiarized; and also because we are rather given to understand and imagine what has happened, than to witness the execution of the fact. But ghastly sights and exhibitions of animal suffering are often introduced very superfluously, and for the mere sake of stage effect. For example, David Gamut is made to ride a long switchtailed mare, with a colt trotting by her side. Now the colt, though quite unnecessary, is not an unnatural appendage to the mare, and therefore in itself not to be quarrelled with. But by and by, when we arrive at Glenn's, the scout deeming it important to get rid of everything which might endanger discovery, and could not facilitate escape, the colt is put to death, and we have a detailed account of the *modus operandi*, so as to make as much of a horror out of it as the subject would bear. Here then it becomes quite apparent, that this unfortunate colt was introduced to the reader at the beginning of the book, and made to trot through four or five chapters, for no other purpose than to have its throat cut at last, under circumstances calculated to create a sensation. We consider

this a species of cruelty to brute beasts, which ought to be noticed by the proper authorities.

After the murder of the Frenchman, the travellers change their course to avoid the line of sentinels, which they had thus unexpectedly touched. This requires them to climb a lofty mountain, from whose summit we have at daybreak a fine view of the lake, the fort, the camp, and the investing enemy. While we are yet gazing in admiration, a sudden fog comes rolling over the bosom of the lake, and wraps the scene in premature darkness. Under this cover, the scout forms the bold purpose of leading his party directly into the fort. The difficulties and dangers of a passage through the midst of the French, so near their advanced parties as to hear them converse, receive their challenges, and attract their fire, together with a hot pursuit, and the ingenuity of Hawkeye in laying his course through the fog, and preserving, or changing and resuming it, as circumstances require, are described with great spirit. But what can be more ridiculous than this; 'Duncan willingly relinquished the support of Cora to the offered arm of Uncas, and Cora as readily accepted the welcome assistance.' You that have ever seen a North American Indian, imagine him, if you can, *offering his arm to a lady*, with all the politeness of a Parisian courtier!

Having entered the fort, there is a short breathing space, in which we have little to do, except to listen to the conversations of Heyward and Munro and his daughters, and the negotiations with the Marquis de Montcalm; scenes, which are not very bad, but which yet serve to illustrate our former remark on the ill success of this writer in the elegant, or the pathetic, and generally in domestic dialogue, when compared with his great powers of describing violent action, and humorous character. But after the capitulation, we reenter upon active life, and our author is himself again. The massacre is given with probable conformity to the historical fact, and not minutely or shockingly detailed; in truth, less is made of this historical horror than we had anticipated; but the battle field, as seen and searched on the third day after the event, by the scout and his red associates, with Heyward, and Munro in quest of his lost daughters, is a powerful passage; and the reflections of Hawkeye on the scene, are in admirable keeping.

'"Nothing but vast wisdom and unlimited power should dare to sweep off men in multitudes," he added; "for it is only the one that can know the necessity of the judgment; and what is

there short of the other, that can replace the creatures of the Lord? I hold it a sin to kill the second buck afore the first is eaten; unless a march in the front, or an ambushment, be contemplated. It is a different matter with a few warriors in open and rugged fight, for 't is their gift to die with the rifle or the tomahawk in hand; according as their natures may happen to be, white or red. Uncas, come this way, lad, and let the raven settle upon the Mingo. I know, from often seeing it, that they have a craving for the flesh of an Oneida; and it is as well to let the bird follow the gift of its natural appetite."

'"Hugh!" exclaimed the young Mohican, rising on the extremities of his feet, and gazing intently in his front, frightening away the raven to some other prey, by the sound and the action.

'"What is it, boy?" whispered the scout, lowering his tall form into a crouching attitude, like a panther about to take his leap; "God send it be a tardy Frencher, skulking for plunder. I do believe 'killdeer' would take an uncommon range to day!"'

Vol. II. pp. 8, 9.

The result of the search is a probable conclusion, that the young women are captured by Magua, and a pursuit is immediately undertaken, which occupies a great part of the second volume. Interest is given to this portion of the narrative by illustrating, with happy ingenuity, the wonderful sagacity and skill of the North American savage (in which the scout has learned to participate) in discovering and pursuing, like a hound upon the scent, 'the trail' of a flying enemy. In expeditions of this character, civilized man has often been amazed at results, which seemed to be the work of some superior intelligence; although, in fact, they were only necessary deductions of the simplest reasoning imaginable applied to minute phenomena, which escaped the notice of the white man; but which, by long habit, had become matters of familiar observation to the Indian. Thus, to take an example from our author, in the first place it is ascertained that Cora and Alice are not among the heaps of slain; but pieces of Cora's veil are found adhering to the branches of two or three shrubs, as if torn off by the rapid motion of the wearer; in the same direction an opening is observed in the underbrush, which skirts the adjoining wood, and the impression of a foot, which is soon recognised by certain marks for Magua's, is near it; at a short distance in the forest, 'the tooting we'pon of the singer' is seen dangling from a thorn bush; a little farther is the print of a woman's shoe, and a

trinket of Alice's lies upon the ground; then we come to a sapling, about which horses have trodden; and thence their track is plain into the broad path which runs 'away to the north, in full sweep for the Canadas.' The inference from these facts is irresistible, that Cora and Alice have not perished in the massacre, but are again made captive by Magua, and are borne off, together with David Gamut, towards the Canadian frontier. A short extract will show the excellent manner in which this is managed by the author.

'"Hugh!" exclaimed Chingachgook, who had been occupied in examining an opening that had been evidently made through the low underbrush, which skirted the forest; and who now stood erect, as he pointed downwards, in the attitude and with the air of a man who beheld a disgusting serpent.

'"Here is the palpable impression of the footstep of a man!" cried Heyward, bending over the indicated spot; "he has trod in the margin of this pool, and the mark cannot be mistaken. They are captives!"

'"Better so than left to starve in the wilderness," returned the scout; "and they will leave a wider trail. I would wager fifty beaver skins to as many flints, that the Mohicans and I enter their wigwams within the month! Stoop to it, Uncas, and try what you can make of that mocassin; for mocassin it plainly is, and no shoe."

'The young Mohican bent over the track, and removing the scattered leaves from around the place, he examined it with much of that sort of scrutiny, that a money dealer, in these days of pecuniary doubts, would bestow on a suspected duebill. At length, he arose from his knees, as if satisfied with the result of the examination.

'"Well, boy," demanded the attentive scout, "what does it say? can you make anything of the telltale?"

'"Le Renard Subtil!"

'"Ha! that rampaging devil again! there never will be an end of his loping till 'killdeer' has said a friendly word to him."

'Heyward reluctantly admitted the truth of this intelligence, and now expressed rather his hopes than his doubts, by saying;

'"One mocassin is so much like another, it is probable there is some mistake."

'"One mocassin like another! you may as well say that one foot is like another; though we all know, that some are long, and others short; some broad, and others narrow; some with high, and some with low insteps; some in-toed, and some out! One mocassin is no more like another, than one book is like

another; though they who can read in one, are seldom able to tell the marks of the other. Which is all ordered for the best, giving to every man his natural advantages. Let me get down to it, Uncas; neither book nor mocassin is the worse for having two opinions, instead of one." The scout stooped to the task, and instantly added, "you are right, boy; here is the patch we saw so often on the other chase. And the fellow will drink when he can get an opportunity; your drinking Indian always learns to walk with a wider toe than the natural savage, it being the gift of a drunkard, whether of a white or red skin. 'T is just the length and breadth, too! look at it, Sagamore; you measured the prints more than once, when we hunted the varments from Glenn's to the health springs."

'Chingachgook complied, and after finishing his short examination, he arose, and with a quiet and grave demeanour, he merely pronounced, though with a foreign accent, the word,

"Magua."' Vol. II. pp. 11—13.

Although the pursuit is in general admirably managed, yet we cannot help thinking our author has occasionally exaggerated Indian ingenuity, and taxed white credulity a little too far. That an Indian should be able to follow up a forest trail continuously from one end to the other, we can readily conceive; but that after once leaving it, and paddling forty miles over a lake, he should be able to strike it again within a short distance from his landing place, with no better guide than a surmise of the general direction of the flight, and some knowledge of the localities, seems to us to approach the marvellous. We do not know, that it is going beyond nature to make Uncas divert the course of a rivulet for the purpose of inspecting its bottom, where the trail seems otherwise to have come to a premature end; but is it not somewhat too ingenious to suppose, that the flying Indians should not only march in the stream, so as to conceal their track, but also, as if anticipating that the course of the rivulet *might* be turned, and its bottom thus be exposed, should tread in each other's footsteps with such admirable accuracy, and that under water too, as to leave but the trace of a single man?

With all the artifices of Magua to conceal his route, the trail is yet pursued with undeviating sagacity by Hawkeye and his comrades, until they find themselves in the vicinity of an Indian village, and there fortunately happen upon David Gamut, who was suffered by his captors to range about unharmed, in consequence of the superstitious feeling with which Indians are said

to regard idiots and madmen, among whom it is no wonder that the singing man was classed. From David they learn, that Cora is left in the custody of a neighboring tribe of Delawares, while Alice is confined by Magua among the Hurons. Heyward resolves to attempt her rescue; and for this purpose introduces himself into the Huron village under the disguise of a Canadian doctor, and conjuror, of course, according to all Indian diplomas. In this capacity he is required by an aged chief to exorcise an evil spirit, of whom his daughter was possessed; and for this object he is led into a certain cave, where the sick woman lies, and in which Alice also is confined. The scout likewise gains admission to the cave, under the disguise of a *bear*, having taken the liberty to borrow the dress from an Indian conjuror, who was fond of playing that part.

We have then an interview between Heyward and Alice in the cave, during which Magua unexpectedly appears, and all hope of escape seems for the moment cut off; but the bear enacts his part with so much sagacity, that Magua, while doubting whether it be a bear or a conjuror, is made prisoner by his hug, and confined until Heyward has time to secure him more effectually. Alice is then borne off to the neighboring village of the Delawares. Magua meanwhile lies gagged and pinioned in the cave. The scout, having seen the lovers out of immediate danger, returns to the Huron village, in his bear's disguise, in order to rescue Uncas, who had been unfortunately made captive a short time before. This he effects, by inducing Uncas to put on the bearskin, while he himself assumes the dress of David, and persuades the master of sweet sound to sit in the place, and as nearly as possible in the posture of Uncas, until they should have time to effect their retreat. Thus accoutred, the scout boldly walks forth from the village, vociferating a psalm as he goes, and is followed by the bear growling at his heels.

These scenes we think are, upon the whole, the most exceptionable in the book. From the time we come in sight of the 'beaver settlement,' until we make our final exit from the Huron village, we find a series of strange mistakes, extravagant impostures, and improbable situations, with which we are hardly carried along. We can agree to Heyward's supposing the huts of the beavers at a little distance to be human habitations, but cannot so readily consent to his taking the beavers themselves for men running on all fours! And we cannot but be surprised,

that the remarkable and ungainly proportions of David should be so completely disguised by a little paint and an odd dress, as to cheat the senses of the keen eyed scout into a momentary belief, that it was a real Indian. We are next called upon to admit, that Heyward is suddenly transformed into a Canadian physician and juggler, with such entire success, as to elude the sagacity of Magua and others of the tribe to whom he was personally known; and that he was foolhardy enough to attempt this dangerous disguise with the conviction staring him in the face, that when called upon to exhibit a specimen of his skill, he must infallibly betray equal and entire ignorance of the black and of the healing arts. What can be more improbable, than that a stranger, without the slightest evidence of medical power beyond his own impudent assertion, should be at once entrusted with so delicate an operation as expelling the evil spirit from the sick daughter of a great chief; and this, too, after it had become certain, from the capture of Uncas, that enemies were near; and there was, therefore, the more cause to suspect danger lurking in this disguise. Yet we can more readily suppose all this, than that the scout should personify the bear with such consummate address, as to stagger the shrewd Magua with a doubt, whether it were not the shaggy monster himself. We are, moreover, quite as much at a loss to imagine the construction of the cave, wherein Alice and the sick woman are concealed, with its long galleries, numerous partitions, and secret trap doors, as we were to form a tolerable idea of the cavern at Glenn's.

But the most beautiful absurdity is yet to come. When Alice is discovered by the scout, and the passage to her place of concealment is pointed out to Heyward, all burning with impatience as he is to rescue the fair captive from her thraldom, what think you the gallant Major does in the extremity of his ardor? He rushes, not to the arms of his mistress, but to a little stream of water, which trickled out of the rock, *in order to wash off his paint!* He is thus enabled to appear 'in the fine and polished lineaments with which he had been gifted by nature,' and seizes the delicious opportunity to make tender protestations of his passion and his hopes, instead of concerting some feasible plan of escape, and attempting it without delay. Perhaps, however, this is not much out of character. We always suspected the Major, from the time we first found him exercising his discretion in the choice of a route to William Henry, of being somewhat 'visited in his

intellects;' and all his subsequent conduct only serves to confirm the opinion. We are not much better satisfied with the manner in which the escape of Uncas is managed. David is required to do, little enough to be sure, but yet somewhat more than we esteem him competent to execute; and we had rather trust the scout for a passable growl in his bearskin, than for such an imitation of the sweet melody of David, as to deceive even the untutored senses of a savage. What had become of that instinctive sagacity approaching almost to inspiration, which our author's natives were wont to have? Where were the quick eyes, where were the sharp ears of the Hurons, that so many and so gross impositions were practised upon them with impunity by red skins and white?

We would not be understood, however, as condeming *in toto* this portion of the work. On the contrary, we find much to admire. The return of the successful war party with the scalps of the enemies they had slain, and Uncas a prisoner in their hands; their triumphant reception; the flight and surrender of Uncas; the execution of the cowardly Huron; the sudden return of Magua from the hunt; his brief interview with Uncas; the effect of his inflammatory eloquence upon the tribe; and the scene in which he is released from his confinement in the cave, and receives intelligence of the escape of Uncas, and communicates to his warriors the impostures of 'La Longue Carabine,' are all conceived with power, and happily executed.

The scene then shifts to the village of the Delawares, whither Magua goes to demand restitution of his prisoners, and a fine diplomatic *talk* is holden between him and their chief orator. From this, being among the best of our author's Indian dialogues, we will make a short extract.

'"The wise Huron is welcome," said the Delaware, in the language of the Maquas; "he is come to eat his 'suc-ca-tush' with his brothers of the lakes!"

'"He is come;" repeated Magua, bending his head with the dignity of an eastern prince.'

'"Is the face of my great Canada father turned again towards his Huron children?" demanded the orator of the Delawares.

'"When was it ever otherwise!" returned Magua. "He calls my people 'his most beloved.'"

'The Delaware gravely bowed his acquiescence to what he knew to be false, and continued;

'"The tomahawks of your young men have been very red!"'

'"It is so; but they are now bright and dull; for the Yengeese are dead, and the Delawares are our neighbors!"

'The other acknowledged the pacific compliment by a graceful gesture of the hand, and remained silent. Then Magua, as if recalled to such a recollection, by the allusion to the massacre, demanded;

'"Does my prisoner give trouble to my brothers?"

'"She is welcome."

'"The path between the Hurons and the Delawares is short, and it is open; let her be sent to my squaws, if she gives trouble to my brother."

'"She is welcome," returned the chief of the latter nation, still more emphatically.

'The baffled Magua continued silent several minutes, apparently indifferent, however, to the repulse he had received in this his opening effort to regain possession of Cora.

'"Do my young men leave the Delawares room on the mountains for their hunts?" he, at length, continued.

'"The Lenape are rulers of their own hills," returned the other, a little haughtily.

'"It is well. Justice is the master of a red skin! Why should they brighten their tomahawks, and sharpen their knives against each other! Are there not pale faces for enemies!"

'"Good!" exclaimed two or three of his auditors at the same time.

'Magua waited a little, to permit his words to soften the feelings of the Delawares, before he added;

'"Have there not been strange mocassins in the woods? Have not my brothers scented the feet of white men?"

'"Let my Canada father come!" returned the other, evasively; "his children are ready to see him."

'"When the Great Chief comes, it is to smoke with the Indians in their wigwams. The Hurons say, too, he is welcome. But the Yengeese have long arms, and legs that never tire! My young men dreamed they had seen the trail of the Yengeese nigh the village of the Delawares?"

'"They will not find the Lenape asleep."

'"It is well. The warrior, whose eye is open, can see his enemy," said Magua, once more shifting his ground, when he found himself unable to penetrate the caution of his companion. "I have brought gifts to my brother. His nation would not go on the war path, because they did not think it well; but their friends have remembered where they lived."'

Vol. II. pp. 183—185.

He then proceeds to make a judicious distribution of trinkets selected from the plunder of the fort.

'This well judged and politic stroke on the part of Magua, was not without its instantaneous results. The Delawares lost their stern gravity, in a much more cordial expression of features; and the host, in particular, after contemplating his own liberal share of the spoil, for some moments, with peculiar gratification, repeated, with strong emphasis, the words—

'"My brother is a wise chief. He is welcome!"

'"The Hurons love their friends the Delawares," returned Magua. "Why should they not! they are colored by the same sun, and their just men will hunt in the same grounds after death. The red skins should be friends, and look with open eyes on the white men. Has not my brother scented spies in the woods?"'

p. 186.

The hearts of the Delawares being quite melted by this munificence, Magua has no farther difficulty in procuring an acknowledgment of the fact, that the strangers whom he sought, had taken refuge in the village. When this is accomplished, he communicates the information, that one of the white fugitives is the grand enemy, La Longue Carabine. In consequence of this astonishing and portentous news, an assembly of the whole nation is called, and the several prisoners are arraigned before them, that their fate may be decided by Tamenund, an ancient warrior and sage, whose decrees were regarded among his people as the oracles of Manitto. The childish old chief, is with difficulty made to comprehend the nature of the appeal which lies before him, sufficiently to decree, that Magua 'take his own and depart,' but that Uncas, who had been represented to him as an enemy and spy in the pay of the Yengeese, should be dealt upon by his own people at their pleasure. The instant this decree is pronounced Uncas is seized by the surrounding warriors, who begin to strip him for the torture; but in the act the figure of a small tortoise is seen *tattooed* upon his breast. This was the 'totem,' or armorial device, of the Lenni Lenape, 'the Grandfather of Nations' (according to the modest account of Heckewelder and themselves), and admitted by the Delawares to be the ancient stock, from which the tribe of Tamenund was but a collateral sprout. The effect of this discovery is electrical. Chingachgook and his son were known to be the sole surviving remnant of that mighty race; and Uncas, from a condemned criminal, immediately becomes the chieftain of the

tribe. By his representations Tamenund is made to perceive, that Magua cannot claim the right of a conqueror over enemies who had escaped from his power by the lawful stratagems of war, and who had thrown themselves on the hospitality of his nation; and that Hawkeye had always been the friend and ally of the descendants of the Lenni Lenape. But Cora was a mere deposite in the hands of the Delawares, and her they were bound to render. Upon this right, Magua, who had been baffled at every turn, resolutely insists, and will listen to no terms of ransom, not even to the life of La Longue Carabine, which is magnanimously offered in her behalf. He is therefore permitted to reclaim his pledge, and depart in peace; but Uncas gives him notice, that ere long warriors will be upon his trail. Accordingly the war-post is struck, and the death song sung, and two hundred Delaware warriors are in arms against the Hurons. A bloody fight ensues; the Delawares are victorious, the Hurons nearly exterminated. Magua, seeing the battle lost, flies to the cave where Cora is concealed, pursued by Uncas, and Heyward, and the scout; Cora is borne off by the Hurons, but the pursuers gain upon their steps; finding escape with her impossible, Magua draws his knife, and once more offers her to choose 'the wigwam, or the knife, of Le Subtil.' He is yet hesitating to strike, when 'a piercing cry was heard above them, and Uncas appeared leaping frantically from a fearful height. Magua recoiled a step, and one of his assistants, profiting by the chance, sheathed his own knife in the bosom of the maiden.' Before Uncas can recover himself from the fall consequent on his tremendous leap, he receives his death wound from Magua, who is in turn brought to the earth by the rifle of the scout. The book closes with the burial of Uncas and Cora, at the village of the Delawares.

These hundred pages, from the entrance of Magua into the village of the Delawares to the end of the tale, are wrought in part with a more delicate and in part with a bolder hand than any in the book. They possess unusual interest and much excellence of execution. The appearance of the venerable Tamenund, the patriarch of his tribe, 'an old, old man, whose locks were white as snow,' borne down with the weight of years, and loaded with the emblems of the achievements and renown of days long gone by, is a highly imposing and poetical vision. His feeble and dreamy attention to the scene before him, his perpetual recurrence to the events of his youth, and utter oblivion of

those of yesterday, his deep rooted and bitter prejudices against the pale faces, from whose arrival he dates the ruin of his race, are all perfectly natural; and his general demeanor during the examination of the prisoners is entirely consistent with his years and his honors. The several appeals of Magua, and Cora, and Uncas to the justice and magnanimity of the Delawares have a good deal of appropriate eloquence, and the whole scene is admirably dramatic. But the pertinacity of Heyward, in arrogating to himself the title of La Longue Carabine, with the view of saving its real owner at the hazard of his own life, seems to be somewhat out of nature even for a hero of romance, considering not only that there was enough of doubt and danger hanging over his own fate, but that the fate of the fair Alice also depended somewhat upon his. The anxiety of the scout, on the other hand, to maintain his personal identity against this unexpected impeachment, 'although it should cost him his scalp,' seems to us much more in character. The preparations for battle, and the battle itself, are given as our author usually gives scenes of that character, with much force and effect. We do not think the flight and death scene of Uncas and Cora, however, by any means the best part of it. It seems to us somewhat confused, partly owing perhaps to the hurry of the action, but chiefly to our slender acquaintance with the geography of those parts, as derived from our author's descriptions; and the death of Cora affects us no otherwise than as a striking incident which comes upon us by entire surprise, while we are yet looking for the tomahawk of Uncas or the rifle of Hawkeye to interpose in her behalf. The funeral obsequies are probably thus minutely described as a means of illustrating the manners and customs of the Indians, which are very well depicted, here as elsewhere, throughout the book, excepting so far as the Delawares have been beautified beyond aboriginal nature.

The funeral of Cora reminds us of a considerable defect in the story, by bringing the old Colonel again to light. After he had arrived at the end of the trail, being found wholly unfit for service, he was stowed away for safe keeping in a beaver's hut, under the guardianship of Le Gros Serpent. Thence Chingachgook is made to thrust his head out now and then, and when the fight ensues, his rifle bears its part in the destruction of the day. He does not do indeed all we had a right to expect from the Last of the Mohicans; his glories are somewhat too easily eclipsed by the rising sun of Uncas; but still he

does enough in support of his own character to dignify his sorrows and move our respect. The Colonel, on the other hand, having travelled a long journey with no other object than to find and rescue his lost daughters, does no one thing towards the effecting of that object, but after burying himself with the beavers whilst others are fighting his battles, emerges again at last only to blubber over the grave of Cora.

The greatest fault of this work upon the whole is a little overdoing of the very thing which constitutes its chief excellence. The incidents are too crowded; there are too many imminent dangers and hair breadth escapes; far too much of the same sort of excitement; too many startling sights, and unearthly sounds, and amazing accidents. We scarcely set out ere we meet some shaggy monster thwarting our path; and as we advance 'on Horror's head horrors accumulate,' so that there is not a moment's feeling of ease and security, and comfortable recreation from one end of our journey to the other. If a horror is not actually going on before our eyes we know at least that it is in preparation and not far off. There is a sort of perpetual consciousness that we are seated upon a barrel of gunpowder; and after one grand explosion is past, instead of finding a fit occasion for thanking our stars that the danger is all over, we have only time to wonder what the conjurer will do next, before we find ourselves again up in the air. This results in part from the nature of the subject, scenes of war in a wilderness and among savages. But these might have been relieved, and their effect consequently heightened, by the mixture of a little quiet domestic life, if our author had any turn that way; a few in-door pictures something above those at the quarters of Colonel Munro, and a few strokes of humor, a little better, we should hope, than David's intolerable psalmody, would have been a prodigious improvement. At any rate, without the introduction of new characters, or material alterations of the scene, we might have been horrified, and alarmed, and astonished less frequently than we are, to great advantage. The Indians are admirable instruments of romance; but our author works them to death. Besides he is constantly going out of his way to show us a series of unconnected, extraordinary spectacles, and to put his actors in strange postures and unusual situations, which contribute little to the developement of their characters and nothing to the accomplishment of the plot, for the mere sake of a momentary effect. An example of this is the night scene near the fort after the articles of

capitulation had been signed, which were to take effect on the following day. A man wrapped in a martial cloak is seen to move at dead of night from the lodging of the French general; he passes beyond the lines of the little city of tents, and halts before the walls of the fortress. From the interview with the sentinel we discover him to be Montcalm. Presently another military figure, whom we recognise for Munro, is seen to walk out upon the rampart; and anon a low plash is heard in the waters of the neighboring lake, and a dusky being is seen to steal *out of it*. This we know to be Magua. These several movements are got up with great solemnity and circumstance, as if something of the last importance were to be acted. The leaders of the French, the English, and the Indian forces are mysteriously brought together at midnight, and we naturally expect some great event which will forward the main action. Instead of this Magua only points his rifle at Munro, Montcalm unexpectedly seizes it, and the Indian cries 'Hugh!' Now all this is very well told, and produces a little stage effect. But *cui bono?* The effect is too manifestly the sole motive for the scene; and a good deal of machinery is put into operation to produce it. The Frenchman is made to break his slumbers and walk out of his marquise, and pass his sentinels and put himself to a world of trouble, 'in the dead vast and middle of the night,' for no imaginable end but to stand and look at the wall. The Englishman at the same instant sallies forth from his quarters, with no particular object in view but to go and look *over* the wall; and the malignant Magua, thirsting for murder and revenge, seizes the opportunity to steal out with his rifle, why we know not, unless because he thinks it likely the English commander will want to look over the wall about that time.

This is a species of jugglery, which we notice in the present instance, not because the instance is particularly exceptionable, but because our author is too fond of playing off tricks merely to susprise us. Indeed it must be manifest from the abstract we have given, that the interest of this tale is sustained almost wholly by a series of such inventions; and this is the case in a considerable degree with all the tales from the same hand. Now the interest so excited is by no means of the best sort, nor the talent requisite to produce it of the highest order; and it is the more unpardonable in our author to resort to these subterfuges of poverty, because he has given abundant proof of

superior powers. It seems to be the result of a sort of aboriginal taste, which delights in finery and glitter, and provided there be a dazzling effect, cares little whether it be produced by tinsel or gold.

We intended to notice the Pioneers more particularly than our limits will now allow. This work, however, has been a long time before the public, and the reader will probably desire to view it at present only in its connexion with the Last of the Mohicans. Though composed, we presume, long before any tale founded upon the fall of Fort William Henry was thought of, it may yet be looked upon as a natural sequel to the later work. The scene is laid not far from the same tract of country, at a period subsequent to the American Revolution; and both Hawkeye and Chingachgook reappear in its pages to act out, or nearly so, the remainder of their long and memorable lives. When we have heretofore spoken of the character of Nathaniel Bumppo as the most striking original of our author's drawing, it has been more perhaps with reference to his appearance as the Leatherstocking of the Pioneers than as the scout in the wars of 1757. The latter is a mere copy by the same hand, or rather a new draught of the same personage at a different period of life and under other circumstances; and we cannot but think that it has something less of the spirit and raciness of originality. The story of the Pioneers, so far as it concerns Nathaniel, may be shortly told. After serving through the French wars, he had built for himself a hut near the shores of the Otsego Lake, then an uninhabited wilderness, and there lived a hunter's life, unmolested for many years by the noisy tread of civilization, and depending wholly for subsistence upon his rifle and his rod. At length Marmaduke Temple became the ostensible owner of this tract; and forthwith the forests began to be cleared, and roads to be laid out, and mills to be erected, and all the other appendages of a settlement to appear; in short, the village of Templeton grew up almost in a night, and was standing in full view from the hut of the Leatherstocking. This was a sore grievance to Natty; but he continued still to pursue his old habits as far as scarcity of game and the frequency of the 'clearings' would permit, and found a solace for these great evils in the society of his old friend Chingachgook, who meanwhile had been christianized by the Moravians, and had assumed the baptismal name of John; whence he was commonly known among the villagers by the name of Indian John, being probably the only

aboriginal inhabitant of Judge Temple's domain. As no one but Indian John and a youth named Oliver Edwards, who had appeared somewhat mysteriously in the neighborhood, was ever permitted by the Leatherstocking to see the inside of his hut, a restless curiosity grew up among the people of Templeton to discover the cause of all this mystery. At last a certain 'Squire Doolittle, being a justice of the peace, and strongly suspecting some secret conspiracy against the power of the county, suffered his regard to the public good to carry him so far as to visit the hut at a time when he knew its mysterious occupants were away. On finding the hounds of Leatherstocking tied near the door, the same public spirit compelled him to cut the thongs by which they were bound, taking care to do it with a knife lashed to a very long stick, and, after they had bounded far into the woods, to attempt a forcible entry of the hut. In this he did not succeed. But the hounds meantime had started a buck, which took to the lake where Natty, and Indian John, and young Edwards were fishing. This temptation was too strong for mere mortals to resist. So the buck was slain in the month of July, contrary to a certain statute in that case made and provided; and all this passed before the eyes of Mr Hiram Doolittle. The consequence was, that a complaint was lodged against the Leatherstocking, and a search warrant issued under the pretence of seeking for the body of the slaughtered buck. But Natty's ideas of law were very limited; the only legal maxim he had probably ever heard of was, that his hut was his castle; and upon the strength of this he made bold to resist the process of the law; in consequence of which the *posse comitatus* was summoned. But when the sheriff with his rabble arrived on the spot, he found nothing save a heap of smouldering ruins in the place of the hut; Natty himself, however, perceiving the approach of the multitude, emerged from the neighboring wood and surrendered at discretion. An indictment being found against him, and a case clearly proved upon it, he was sentenced to thirty days' imprisonment besides a considerable fine. But Natty, having roamed the wilderness according to his pleasure during a long life, had no idea of spending thirty days in a palace, far less in a prison, and by the assistance of young Edwards he effected his escape. He was pursued into the woods, and found at last in a cave, where the whole secret of the hut is laid bare in the person of Major Effingham, under whom Natty had served through the French wars, and who was secreted by

his grandson, the pretended Oliver Edwards, in this spot. The necessity or object of the concealment is not very clearly explained, and as the explanation has nothing to do with the Leatherstocking, we shall not lay it before our readers. It is enough to know, that after all his troubles in the law seemed to be at an end, and his friend the young Effingham was married to the daughter of Judge Temple, and the youthful pair were desirous to rebuild the hut of the Leatherstocking, and render his last days comfortable and happy, the old man was one day seen for the last time with his rifle on his shoulder, and his pack on his back, followed by his faithful hounds, on his way to the Big Lakes, where he had heard there was 'the best of hunting, and a great range without a white man on it.'

Our author informs us that the Pioneers was written expressly to please himself. From his repetition of Chingachgook and Nathaniel in the Last of the Mohicans, we presume it is still a favorite, and on this point we have the pleasure to agree with him. The numerous characters introduced to play their respective parts in the rise and progress of Templeton, and whom we have no opportunity to notice, are drawn with great spirit and originality, and are precisely such a collection as we uniformly meet when we visit a young thriving village in the interior of our country. But the Leatherstocking is a natural, and yet highly poetical being, not only far above the ordinary run of fictitious personages, but even superior to the scout, whom we nevertheless esteem highly. It is the same Nathaniel Bumppo; but his native peculiarities are bolder in the full developement of a green old age, and rendered more striking by a judicious contrast. His description of the Catskill is much in the style of the scout's description of Glen's, which we have quoted above; but we think it better, and regret that our limits will not permit us to extract it; and but for the same cause we could make extracts to great advantage from any of the several scenes in which this son of the wilderness is brought into collision with civilization, and made the subject of laws and customs entirely adverse to those of the woods.

Chingachgook, as he appears in the Pioneers, is very much such a humbled, long haired, half civilized, and drunken Indian as we have often seen, with some little remnant of his ancient glories about him. His death scene, in which, notwithstanding his supposed conversion to Christianity, he is plainly relapsing into the faith of his fathers, looking forward

to the happy hunting grounds where he shall rejoin the spirits of his tribe, is very well done; as are several other passages designed to exhibit the apparent incapacity of the red man to conceive the religion of the whites. The attitude of the Indian, for example, in the following short extract, is not more characteristic of his nation, than the entire opposition of the feeling which accompanies it to the meek spirit of Christianity.

'"John," said the divine, when the figure of Judge Temple disappeared, the last of the group, "tomorrow is the festival of the nativity of our blessed Redeemer, when the church has appointed prayers and thanksgivings, to be offered up by her children, and when all are invited to partake of the mystical elements. As you have taken up the cross, and become a follower of good, and an eschewer of evil, John, I trust I shall see you before the altar, with a contrite heart, and a meek spirit."

'"John will come," said the Indian, betraying no surprise, if he did not understand all the terms used by the other.

'"Yes," continued Mr Grant, laying his hand gently on the tawny shoulder of the aged chief, "but it is not enough to be there in the body only; you must come in the spirit, and in truth. The Redeemer died for all, for the poor Indian, as well as for the white man. Heaven knows no difference in color; nor must earth witness a separation of the church. It is good and profitable, John, to freshen the understanding, and support the wavering, by the observance of our holy festivals; but all form is but stench, in the nostrils of the Holy One, unless it be accompanied by a devout and humble spirit."

The Indian stepped back a little, and, raising his body to its utmost powers of erection, he stretched his right arm on high, and dropped his forefinger downward, as if pointing from the heavens, and striking his other hand on his naked breast, he said, with energy—

'"The eye of the Great Spirit can see from the clouds;—the bosom of Mohegan is bare."

'"It is well, John, and I hope you will receive profit and consolation, from the performance of this duty. The Great Spirit overlooks none of his children; and the man of the woods, is as much an object of his care, as he who dwells in a palace. I wish you a good night, and pray God to bless you."

'The Indian bent his head, and they separated—the one to seek his hut, and the other to join the party at the supper table.'

It is hardly fair, however, in giving the scene, to omit Ben Pump's nautical views of this subject.

'As he was opening the door, for the passage of the chief, he cried, in a tone that was meant to be quite consoling,

'"The parson says the word that is true, John. If so be, that that they took count of the color of a skin in heaven, why, they might refuse to muster on their books, a christian born, like myself, just for the matter of a little tan, from cruising in warm latitudes; though, for the matter of that, this damned norwester is enough to whiten the skin of a blackamoor. Let the reefs out of your blanket, man, or your red hide will hardly weather the night, without a touch from the frost."' VOL. I. pp. 106, 107.

The Last of the Mohicans, we believe has generally been the more popular of these two books. But for ourselves, we still hold to the Pioneers, and trust our author will in future always write to please himself, although we are not sure we might not have as long a catalogue of errata to correct in this production, as in that which we have so copiously noticed, if time and space did not fail us. The truth is, we have concerned ourselves chiefly to notice our author's faults, because Mr Cooper is already too far advanced to stand in need of our praise; and we desire, not only that the public taste should be correct on the subject of our native literature, but also, if it be possible, and any suggestion of ours can effect it, to see something from this pen free from the numerous defects which deform its present productions, and every way worthy of the great powers and far spread fame of the American novelist.

ART. X.—*Sampson's Discourse and Correspondence with various learned Jurists upon the History of the Law, with the Addition of several Essays, Tracts, and Documents relating to the Subject. Compiled and published by Pishey Thompson.* Washington City. 8vo. pp. 202.

UPON the leading article of this collection we have already commented at length in our fortyfifth Number; and we have no reason to alter our opinion of its merits or utility. We have no doubt that it has had much influence, and been instrumental in bringing about that change, which is evident in the public mind

and that of many of the profession, in respect to the important subject of our jurisprudence.

The principal object, which Mr Sampson proposed in his Discourse, delivered before the Historical Society of New York, on the sixth of December, 1823, was, as he expressed it, 'to challenge into the noblest field of exertion the talent and genius of our country, much of which is now lost in barren erudition;' and in this his success will appear from the various pieces to which his Discourse has given rise, many of which are contained in the volume under consideration. For the embodying of these pieces in a permanent form, the publisher is entitled to his share of credit, although, as he states in his preface, 'in the series of the communications he has not been able to observe an exact order, as several of them were not obtained till after the book was in the press.'

The dedication of the publisher to the nineteenth Congress, being in a single sentence, for its brevity's sake we here insert; 'To the Senate and Representatives in the Nineteenth Congress of the United States now assembled, charged by the Sovereign States and People of the Union to guard their interests, promote their wellbeing, provide for their wants, and effectuate their wishes, this volume is respectfully dedicated, by the Publisher.' Whether the subject of the book might not usefully have occupied the time and attention thrown away upon other matters, and with satisfaction to the people at large, we will not say; the public may, and probably will, judge of that. And how far it belongs to the national legislature, with its limited jurisdiction, to lead the way, or for the State legislatures to make the necessary reforms in their respective codes, is a question upon which we are not prepared to give any opinion; but we are very well pleased to see the public feeling alive upon so important a concern, and shall do what we can to keep it so, and to promote free, fair, and liberal discussion.

Before the publication of Mr Sampson's Discourse, there was a prevailing idea, not merely with the profession of the law, who imbibed it at the outset of their studies and cherished it from habit ever after, that there was some mysterious excellence in the common law; that it had its source in the purity and simplicity of some ancient but undefined epoch; that as letters were not much used in those times of wise simplicity, it had been handed down by tradition from age to age, and generation to generation; and that though the corrupt learning of the

schools which obtained in late ages, and the false refinements of modern innovation, had greatly impaired its original purity and pristine vigor, yet its regenerating principle was gradually operating to restore its primitive virtues, and original sanctity. And what gave most authority to this notion was the eloquent and persuasive manner in which it was set forth by Sir William Blackstone, in his otherwise excellent and elegant Commentaries on the Laws of England.

It required both industry and courage to encounter such authority, and to array, in opposition to opinions of so long standing, however weak their foundation, the overwhelming proofs which were necessary to do away those ancient prejudices. In neither of these qualities was the author of the Discourse deficient. These proofs were to be found in history, and the occasion was propitious. Mr Sampson was invited by a learned society, instituted for the purposes of historical knowledge and investigation, and he contrived by the power of rigorous condensation to bring together such evidence as it was impossible to refute, all going to prove that an ideal perfection had been ascribed to times and persons quite inconsistent with any correct view of the history of those persons or those ages.

It was, however, natural to suppose that so bold and animated an attack upon actual opinions and prejudices would excite attention; and so it accordingly happened, as the various pieces in the collection before us manifestly show. Some, without thinking it necessary to argue upon what they considered as fixed and first principles, thought of nothing but the pious duty of crying down the new heresy and the heretic; others, who had before inclined to such opinions, and rejoiced to see their own thoughts so fully developed, abounded in the sense of the author; others commended the style and manner, and even the matter, but cautiously, and without saying why, reserved their judgments. We have had the curiosity to look back upon the opinion we ourselves then formed, and we find (Vol. XIX. p. 416) these words, 'We estimate highly his learning and genius; we approve for the most part the views he has taken of an important subject, and admire the generous zeal with which he has thrown himself into the front ranks of those who contend for the cause of truth and reason with little chance of honor or success.'

We are now glad to find that this latter qualification might have been spared. If the reprinting of the Discourse in this

country and in Europe, with so much encomium and such favorable notice, be an honor to the author, or the influence it has had on opinions, be success, these objects have been attained; and if we have duly estimated the character of the author, narrow views of self interest do not belong to it.

Certain it is, that a great point has been gained. The ablest jurists in our country are now agreed, and this agreement is now open, declared, and manifest, that it was a vain superstition to impute the wisdom of the common law to the ancient inhabitants of Britain, or to what Sir William Blackstone, with a fond partiality, calls 'our own Saxon princes.' For this it will be sufficient to cite the work of Mr Du Ponceau on the Jurisdiction of the Courts of the United States.

This learned author, and the other jurists of our country who vindicate the principles, but not the defects of the common law, expressly exclude from their admiration the common law of the Saxons, Danes, and Normans, as also that which prevailed during the reigns of the Plantagenets and the first Stuarts; but they are for upholding that which took its rise in the middle of the seventeenth century, to which the second revolution in 1688 gave shape and figure, which was afterwards improved in England, but received its greatest lustre in this country. We have already commented upon Mr Du Ponceau's work, and we are not ashamed to say, that upon the great and remaining question of substituting entire new textuary codes of positive enactment in the place of this traditional and judicial law, we have hesitated, or even vacillated somewhat in our opinions. Thus much, however, we promise to our readers, that we will be attentive to the subject, and as proper opportunities occur, apprize them of its progress, and endeavor to form an opinion in which we can ourselves confide, upon full and mature consideration. Already the enactment of new and entire codes, each part made with a view to the whole, has been recommended by two state governors, Mr Wilson, late governor of South Carolina, and Mr Clinton, governor of New York. Why the recommendation has not been acted upon in the legislature of either of those states, we do not know. Things less honorable to the legislators who have passed them by, have certainly been debated. England has, to her honor be it spoken, done more within these few years; and we fear, in this, as in too many other things, our dependence will appear.

It would lead us too far, at present, to follow this considera-

tion to its proper limits; and we only notice the volume now before us, because we think it contains much useful reasoning and many important facts, of which every statesman, legislator, lawyer, merchant, and citizen, should be apprized. To treat the writings and opinions of such men as those, whose letters or essays compose this collection, with disregard, would be blameable; to controvert them by argument would be fair; to deny the facts which are authentic, would show imbecility and ignorance.

It may be worth remarking, that the question now agitated, and with daily increasing interest, is not altogether the same as that which divided the Sabinian and Proculian sects, namely, whether reason or precedent should govern; nor can it be resolved by the example of the Herciscundi, who endeavored to steer a middle course, and avoid the absurdities into which the violence of opposition had carried each of the contending parties. For we have written constitutions paramount to all other law, which have for a fundamental principle, that the three departments of the government should be kept entirely distinct, each rigorously confined to the exercise of its own peculiar functions. Our judges are prohibited from legislating; and yet it cannot be denied, that the greater, and we do not scruple to say the better part of our law is neither traditional, for there could be no such traditions; nor statute, for there are no such statutes; but judicial law, enacted by the sole authority of the judges, and the records of it are the books of reports.

It may then be asked, Why not leave it entirely to the judges to proceed, and let the law go on improving under their hands? It would be a sufficient answer, that it is not consistent with the principles of our constitution; but enough will be found in the little volume which we recommend, to satisfy inquiry on that head. The reader will there find the suggestion of the committee appointed by the legislature of Louisiana to revise their civil code; namely, that the judges' decisions, when made in the exercise of their discretionary power in cases not provided for, should be reported to the legislature, so as to be, not laws, but the means of improving the laws.

Art. XI.—CRITICAL NOTICES.

1.—*Roman Nights; or the Tomb of the Scipios.* By Alessandro Verri. Translated from the Italian by a Lady. New York. 1825. 2 vols. 12mo. pp. 180. 178.

The composition of dialogues of the dead has always been a favorite and successful species of writing in every age of European literature. From the satiric and witty Lucian, who aimed the keen shafts of his ridicule at the weaknesses of all the great characters of antiquity, sparing neither gods nor men from the severe attacks of his impartial irony, down to the times of the lively and attic Fontenelle, and of the English Lyttelton, examples of these imaginary conversations are continually occurring. Modern ingenuity has frequently improved upon the simplicity of the ancient models, by weaving the discourse of departed shades into a narration of connected incidents, as in the *Divina Commedia.* Verri's *Notti Romane* is a work of this latter kind; and with something of singularity, and almost of grotesqueness, in its plan, is nevertheless distinguished by beauties of the highest order.

The book consists of fictitious conferences between the author and the spirits of eminent Romans, and between these Romans themselves in the author's presence. These conferences take place at the outset, in the tomb of the Scipios. Attracted by the fame of this recently discovered monument of a family so illustrious, Verri is supposed to repair to the catacombs in the night, for the purpose of exploring them undisturbed. Whilst there, his torch was extinguished by a gust of wind rushing through the cavern; and the gloomy 'domains of the dead' gradually became peopled with myriads of spectres, whose dress and language bespoke them to be the *gens togata*, the proud citizens of the queen and conqueror of nations, of imperial Rome. The apparitions at length crowd around one whose majestic mien and lofty presence command respect; and who appears to be addressing the silent and attentive multitude. This individual is Cicero. When he had ceased speaking to the assembled phantoms, he is accosted by Verri, and becomes a kind of guide, a *cicerone*, explaining to our author the names and situation of the persons, who act a part in the subsequent incidents; filling, indeed, precisely the same place as Virgil in the *Inferno;*

Tu duca, tu signore, tu maestro.

Brutus and Cæsar, the Gracchi, Scipio Æmilianus, and others, then arise in succession, and discuss the most important events of their times. The first night is thus consumed, and on the two following nights we are introduced to Marius, Sylla, Atticus, Lucretia, Junius Brutus, Virginius, Cato the Censor, Pompey, Antony and Cleopatra, Cato Uticensis, Octavius, and the poet Horace. All this is represented as happening at the tomb of the Scipios; but during the three remaining nights the spirits leave the sepulchre, and pass to the examination of modern Rome, continuing their discussions upon the leading facts in Roman history, and upon subjects, which the sight of the monuments of Roman grandeur suggest. Of the new characters now brought on the stage, the most prominent are Romulus, Numa, and the vestal Floronia.

These are the Roman Nights, in which the national policy of the republic, the acts and motives of her celebrated citizens, her laws, religion, and military achievements, are critically scrutinized, and dissected with the skill of a master. The ground work of the whole is authentic history; and we know not any book, which exhibits, in the same compass, a more graphic and vivid picture of the politics of the republic. The style of Verri is very happy. His diction is nervous, and his taste correct and manly. The besetting sin of his countrymen, a vice into which they are easily betrayed by the copiousness and melody of their beautiful tongue, is a tendency to diffuseness, prolixity, and effeminacy of style. These defects are by no means essential to the language, which is capable of being moulded to the utmost dignity and energy of expression. What poetry is more terse, more instinct with vigor, more the opposite of careless ease and familiar diffuseness than Alfieri's? What prose is more expressive, pointed, and energetic, than Ugo Foscolo's? And Verri has imitated, with great felicity, the noble and stately, yet simple and unambitious style, which we should consider appropriate to the *dramatis personæ* of the Nights. His felicitous imitation, or we should rather say adoption, of the genuine Roman turn of expression, is one of the charms of his work; and shows how nearly allied are the Latin and the Italian, the latter, indeed, being scarcely more than a softened dialect of its venerable parent tongue.

We have not compared the translation before us with its original carefully enough to express an unqualified opinion of its fidelity. The style of it is good; and the work is creditable to its fair authoress, who deserves praise for contributing her efforts to render Americans familiar with the riches of Italian literature. We could wish, however, that it preserved a greater share of Verri's

latinity of diction than it does; for this property is essential to the *keeping* of the dialogue, and is peculiarly efficacious in giving it an air of perfect reality and truth.

2.—1. *Anniversary Address on the Progress of the Natural Sciences in the United States; delivered before the Lyceum of Natural History of New York, February*, 1826. By James E. De Kay. New York. G. & C. Carvill. 8vo. pp. 78.

2. *Report of a Committee of the Trustees of the Boston Athenæum, made to the Proprietors, May* 25, 1826.

The principal object of this Address is thus stated by the author.

'On the present occasion it is proposed to give a brief outline of the progress and present state of the Natural Sciences in the United States. Such occasional exhibitions are something more than mere appeals to national vanity. They are consonant with the usages of other nations, and if faithfully executed, are not always flattering to national pride. They become useful records of the labors of our contemporaries, may indicate sources of information, which might be overlooked by the inquirer, and often serve as an incitement to greater exertion with the rising generation.' p. 6.

Of the usefulness of such undertakings there can be no question; and the one before us seems to be executed with care and correctness. The votaries of Natural Science will be gratified to perceive how much has been done by Americans, in this department, during the last eight or ten years, compared with any former period. The amount, indeed, is not great in itself, but it gives promise of more; for men seldom stop, who have once entered on this career. The natural curiosity of man is sharpened, and his intellectual activity increased, by every new attainment in these pursuits. In science we can never reach a height, from which another more commanding cannot be observed; we are drawn on from step to step, the prospect is continually expanding, and our appetite for knowledge 'doth make the meat it feeds on.' Among the sources of happiness, the pursuit of science holds one of the first places; since the principal employment of those engaged in it, is the successful invention of new pleasures. We are rejoiced, then, at everything that may turn the attention of our countrymen towards this occupation, which will continually present worthy objects for that activity, which is too often wasted in useless or hurtful undertakings.

It appears from Dr De Kay's Address, that very little was done in the science of Mineralogy before Professor Cleaveland published his Elementary Treatise in 1816; since then, several smaller works have been published, especially local catalogues of minerals, such as those of Webster, Hale, and Robinson; and, in the words of the Address,

'Mineralogy has now become a popular branch of science; lectures are delivered in every considerable town in the Union; and extensive cabinets of minerals are to be met with in every direction. Increased attention has been paid to the composition of minerals, and several of our countrymen, with a view of perfecting themselves in this delicate branch, have enrolled themselves in the School of Mines at Paris. Many new mineral species have been firmly established, and others, which were doubtful, have been reexamined, and restored to their proper places in the system.' pp. 11, 12.

The progress of Geology has been still more striking.

'Previous to the year 1812,' says the Address, 'the published notices on our geology were few and unimportant; and little more was known, in a geological point of view, of the United States, than that they extended along the coast of the Atlantic, and were bounded on the north by a chain of mighty lakes. Mr Maclure, a gentleman peculiarly qualified for such a task by a familiar acquaintance with the most interesting formations of Europe, commenced a personal examination of this country, which he traversed in various directions. The result of his labors was given to the public in 1817, under the title of "Observations on the Geology of the United States." This is a bold outline, sketched by a masterly hand, and replete with the most valuable and interesting information.

'The geologists of Europe, who had been chiefly occupied with their theories and speculations, and from the phenomena of a mole hill had not unfrequently deduced principles on which depended the formation of a world, were struck with the simple, yet grand features, presented by this geological map of America.' pp. 15, 16.

The publication of Mr Maclure's observations has been followed by numerous others on the geology of separate districts, of which a particular account is given in this Address, and which are probably only the forerunners of more extensive and important geological investigations.

The science of Botany has fared better in this country than the sister sciences. It has been longer an object of attention, which, for obvious reasons, has been more general. Beside the larger works on this subject, we have numerous local Floras, and

new ones are frequently appearing. There is still, however, according to Dr De Kay, a deficiency of good elementary works. As an evidence of the increasing attention to this science it is stated, that 'four successive editions of Eaton's Manual of Botany have been published during the last four years.' The attention of American botanists, however, has been directed principally to the phenogamous plants. The department of the cryptogamia, though highly interesting, has been comparatively neglected.

Of all the natural sciences, however, the most interesting, and, as it appears to us, by far the most important, is zoology, or the history of animals, man included. This has received less attention than any of the others in the United States. As we have been accused of borrowing our learning from Great Britain, so we might be accused in this instance of following the example of her ignorance; for it is but lately that this science has received in that country the attention which it deserved. Few works on either of the numerous departments of this extensive science have been published in this country.

One of the great obstacles to the advancement of the sciences in this country, is the want of books, cabinets, and scientific apparatus in general. In a note to this Address, the number of books in the principal cities of the United States is thus stated.

'New York, with a population of 170,000, possesses ten public libraries, containing 44,000 volumes; Baltimore, with a population of 70,000, has four public libraries, containing 30,000 volumes; Philadelphia, with a population of 160,000, possesses nineteen public libraries, containing 70,000 volumes; Boston, with a population of 60,000, possesses thirteen public libraries, containing 55,000 volumes.' *Appendix*, p. 74.

But we hope that this deficiency will ere long be supplied. Great exertions are now making in Boston to procure an ample scientific library; and cabinets of minerals are becoming more common and extensive, throughout the United States. An attempt is now making in this vicinity to establish a museum of comparative anatomy, and we doubt not that it will meet with the success which it deserves.

Among those institutions, which seem to promise most for the diffusion of scientific knowledge, we may take this occasion to mention the Boston Athenæum.

This institution, one of the earliest of the kind in the United States, by the assistance of munificent individuals, and a judicious union with certain establishments before existing, now bids fair to become the most important.* When the arrangements

* This relative importance, even before the remarkable increase set forth in the Report, might be said to belong to the Boston Athenæum; especially since the

proposed by the Committee, the title of whose Report stands at the head of this article, are completed, the library of the Athenæum will be richer in scientific books than any other in America; and will supply a deficiency, which has long been deeply felt by the lovers of science among us. An union has been effected with the Medical Library, and with the Scientific Association. The Medical Library contained more than two thousand volumes of well selected modern works on medicine, surgery, and chemistry, purchased within ten years, at an expense of more than four thousand five hundred dollars. This library now forms a part of the Athenæum. The proprietors of the Medical Library, being thirtyone in number, were entitled to life rights in the Athenæum, with the privilege of exchanging such life rights for full shares, by paying each an additional sum of one hundred and fifty dollars; thirty of these proprietors have taken shares in the Athenæum, paying in all, the sum of four thousand five hundred dollars; so that the property of the Athenæum is increased more than nine thousand dollars by this union.

The Scientific Association, formed a few months since, for the purpose of procuring a collection of scientific books, have obtained a subscription of three thousand seven hundred and fifteen dollars, of which above three thousand dollars has already been collected. An agreement for an union with this association, having been made by the committee, was approved by the proprietors of the Athenæum, at their meeting on the twentyfifth of May, 1826; and the whole amount subscribed will be appropriated for the purchase of the scientific books, contained in a catalogue prepared by the trustees of the Scientific Association, which catalogue does not contain any books now in the Athenæum. This department of the library will also be rendered much more complete by a sum subscribed in February, 1826, for procuring entire sets of the Transactions of the Royal Societies and Academies of Sciences in London, Edinburgh, Dublin, Paris, Petersburg, Berlin, Turin, Göttingen, Stockholm, Copenhagen, Madrid, and Lisbon.

The means taken by the Committee to supply the deficiencies in the library will best be seen by the following extract from their Report, which we cite as an example worthy of imitation in other communities, and likely to exert an important influence on the literature and science of the country.

'Having ascertained the deficiencies in the library to be great, they were considering the expediency of a general sub-

noble donation, amounting at the least to twenty thousand dollars, made a few years since by the late James Perkins, Esq. the brother of one, and the father of the other of the gentlemen mentioned in the Report.

scription among the proprietors to supply the same, when Colonel Thomas H. Perkins, by a letter of March 30, 1826, munificently offered to give eight thousand dollars towards the completion of the new lecture rooms, provided the like sum should be subscribed, by other friends of the Athenæum, before the first day of November next; and James Perkins, Esq. by a letter of the same date, and in the same munificent spirit, made a similar offer, on similar conditions. Whereupon your committee, in pursuance of their instructions, did, on the tenth of April, lay the whole subject before the trustees, who, after voting the thanks of their board to Colonel Thomas H. Perkins and James Perkins, Esq. authorized and requested your committee forthwith to collect, in any way they might see fit, the sums necessary to secure to this institution the full benefit of the offer of the Messrs Perkins. The committee, accordingly, proceeded to obtain subscriptions, and did obtain them to the following amounts; viz.

Donations	$10,090
Amount paid by the proprietors of the Medical Library, to obtain full shares in the Athenæum . .	4,500
Fifteen new shares in the Athenæum, being all the shares which remain unsold	4,500
	$19,090
Donation of Col. Thomas H. Perkins . . .	8,000
Donation of James Perkins, Esq.	8,000
Subscription for the Transactions of London, Paris, &c. of which sum Colonel Perkins subscribed five hundred dollars, and James Perkins, Esq. five hundred dollars	1,700
Scientific Association (at least)	3,210
Amount in cash or approved securities	$40,000
To this add the value of the books of the Medical Library	4,500
Making the gross sum of	$44,500

'Being the amount of property added to the Athenæum since January last.

'Having obtained this large and generous subscription, your committee proceeded to make arrangements for supplying the deficiency in the Athenæum Library, according to the vote of the proprietors. They have prepared lists of books, which will be purchased as soon as may be, and they have made arrangements for completing the broken sets now in the Athenæum, and for binding the unbound books now on the shelves. Of the forty

thousand dollars, therefore, which have been received, the following appropriations are already made; viz.

To the Lecture Rooms, Col. Perkins's donation .	$8,000
Catalogue prepared by the Trustees of the Scientific Association	3,210
Catalogue prepared by the Trustees of the Athenæum (about)	10,790
For binding and repairs	1,500
Making in all	$23,500

'Leaving the sum of sixteen thousand five hundred dollars to be added to the permanent funds of the institution, the income of which is to be appropriated to the purchase of books hereafter. But this is not the only, or the principal new source of income, that will be opened to the Athenæum, for the purchase of books, which may be estimated as follows; viz.

Income from new fund (about)	$900
from lecture rooms (about)	800
from circulation of books	900
from annual Scientific subscribers . . .	200
Making the whole annual income	$2,800

according to an extremely moderate computation, for the purchase of books; the income from the former funds of the institution having been found sufficient to pay the current expenses.'

Such a report requires few comments. It affords a cheering prospect, and the best evidence that the mantle of the fathers of New England still rests upon their children; that the spirit, which first reared her metropolis, is undiminished; and that, if the operation of natural causes has lessened her comparative political importance in the Union, she has no disposition to be left behind in the race of improvement, wherever a way remains open. In one particular department, that of popular lectures, she has, indeed, suffered a sister city to outstrip her for a short period; but she has only paused to gather strength, and will appear again on the arena with renewed vigor. Not to pursue the metaphor farther, it is obvious, that without a scientific library, the advantage of lectures must be comparatively slight. Lectures are, after all, merely a channel for the diffusion of scientific knowledge, the communication of scientific results in a condensed and popular form, and an instrument for exciting in the public a taste for this sort of information. The two first purposes cannot be answered, to any considerable extent, without easy access to the

labors of the learned in other parts of the world; and every lover of science in this country, at least in this neighborhood, has had occasion to know and lament the obstacles, which have hitherto obstructed such access; and as to a taste for science, it is scarcely necessary to excite what cannot be gratified.

In short, we consider the proposed improvement in the Boston Athenæum as making an important era in the history of this city; and we trust, that the friends of learning in other parts of the United States will forgive their brethren here, if, in their rejoicing on this occasion, they should be betrayed into something like an appearance of self applause; if they express a hope of being able to acquire, what it is honorable even to strive for, preeminence in all good literature and science. May such preeminence never be undisputed. We would that success should be eagerly contested, not in words only, but deeds; we would not that this city should be great, because others are small; the best we can wish it, is to be *prima inter pares*, the most active and the most deserving among many worthy competitors.

In the statement of the number of books in Boston as quoted above from Dr De Kay's Address, the library of the University in this vicinity was, of course, not taken into the account. This valuable collection has been silently increasing for many years, and few, perhaps even in its immediate neighborhood, are aware of its present importance. In one department, that of American history, it has become, by the addition of the Ebeling and Warden collections, one of the richest in the world. We hope to be able, at some future time, to give a particular and elaborate account of the treasures contained in this noble collection, and of the sources from which they have been principally derived. We must content ourselves on this occasion with the expression of our hope, that in the present zeal for the general improvement of the University, this most important department will obtain its full share of attention.

A considerable part of Dr De Kay's Address is devoted to the consideration of the various expeditions for topographical and scientific purposes, under the direction of the general government. Small as these beginnings have been, they have done much for the advancement of science; and it is to be hoped, that they will be continued, and upon a more liberal scale. The Address has been evidently prepared with much industry, and does great credit to the author's regard for the sciences of which he treats.

3.—*Journal of the Board of Public Works of the State of Georgia, at their First Session, held in Milledgeville, March,* 1826. Milledgeville. 8vo. pp. 13.

During the last session of the legislature of Georgia, an act was passed creating a Board of Public Works, and defining its duties. By this act the board consists of seven persons, in addition to the governor of the state; and the gentlemen, who have been appointed for the purpose by the legislature, are John Elliot, John Schly, John G. Pittman, Wilson Lumpkin, Joel Crawford, Elijah H. Burritt, James H. Cowper. The secretary and treasurer is Dr William Green. The first meeting of the Board was held on the twentieth of March last, when an appropriate address was delivered by governor Troup, as president, and the necessary preliminary arrangements for active operations were made. The general objects of the attention of the board may be understood by the following extract from the act defining its duties. 'The Board of Public Works, appointed by this legislature, shall so soon as they enter on the duties of their appointment, take into consideration the construction of an artificial canal between the Atlantic coast of the state, or the navigable waters which enter the sea, within the limits of the same, and the western limit of the present inhabited part of the state; and to search for, and investigate the best route by which such canal may be conducted, with the ultimate object of joining the waters of the Tennessee and Mississippi rivers; the canal to be so laid out as to run as near the centre of the state as may be convenient. And the Board of Public Works are further required to investigate and have surveyed the best routes by which canals may be united with the central canal, at the best and most convenient point to facilitate the communication with the Savannah river, and on the other side to join the next principal river on the south western side of the main canal abovementioned.'

From this section of the act it will be seen, that the views of the legislature of Georgia are broad and extensive. The beginning has also been considerate and judicious. Provision has as yet been made only for observations and surveys. A board of public works has been organized, and fifty thousand dollars appropriated for carrying these preliminary measures into effect, Mr Fulton, who has been for several years employed in North Carolina, is appointed chief engineer in Georgia, under the provisions of the above act, with a salary of five thousand dollars. Two assistant engineers, Elijah H. Burritt, and John Couty, have been appointed, each with a salary of twentyfive hundred dollars

a year. From these facts it is obvious, that the legislature are resolved to begin the work of internal improvements on a liberal scale, and to derive the advantage, which in other instances has been so much neglected, of early scientific aid. The pamphlet before us contains a detailed report of the proceedings of the Board at its first session, and an account of the arrangements made for entering speedily on active operations.

4.—*The Deformed Boy.* By the Author of 'Redwood.' Boston, 1826. 18mo. pp. 40.

This is a beautiful and affecting little story, worthy of the authoress of Redwood. Her writings uniformly inculcate the purest morality, that which rests upon consistent religious principles; and we have reason to congratulate ourselves when such writers exercise their powers for the improvement of children. The unthinking may consider it a humble and easy task, but there are those who can estimate it more justly, and prize it as it deserves.

The incidents of this little tale are striking, and they are stated to be true. They afford a view of those severe calamities to which the poor are exposed; especially the wives and children of the intemperate. Their sufferings ought to be pressed upon the attention, and as far as possible, brought home to the feelings of the rich and prosperous. Money, which might have been employed to relieve some of the most bitter evils to which man is exposed, is often wasted in merely idle self indulgence without any real gratification to those who thus misuse it. It is painful to know how much is often readily given to vanity, and how little at the same time is grudgingly yielded to benevolence and duty.

There is in this story a great deal of pathos, too much perhaps considering that it is designed for children. To a young person of much sensibility and tenderness, some parts of it must be distressingly painful. This is the only objection to the following scene. Few real or fictitious narratives present anything more touching. Mr Aikin's family are represented as assembled at breakfast; when, after a loud knocking at the door, a little boy, the deformed boy, is admitted.

'The boy seemed almost stiffened with the cold; but regardless of himself, and apparently impelled by instinct, he ran up to Mrs Aikin, and grasping her gown, he said, with a voice so tremulous as to be almost inaudible, "O Ma'am, do come and see what ails mother!"

'"Why, who is your mother, child? and who are you?" asked Mrs Aiken.

'"Oh, do come and see, Ma'am—now—quick. I am afraid mother will burn the house up, for she is lighting the fire with all our clothes—she does not act like mother—do—do come and see what ails her."'

'Mrs Aikin threw on her cloak, and taking the child's hand, he led her through a lane, which running by the corner of her house, formed the communication between the street she lived upon, and a street in the rear of that, where there were several one story houses, or rather hovels which had been erected as temporary habitations for the poorest class of people. Into one of the most wretched of these, Mrs Aikin followed her little conductor, and there she beheld a spectacle of misery that sufficiently explained the poor child's distress. His mother sat on the hearth with a pale, half famished looking infant in her arms crying piteously, and seeking nourishment at her breast, where, alas! there was none. She was, deliberately tearing up a cotton frock and throwing it, piece by piece, on the few embers that lay in the fireplace.

'She rose on seeing Mrs Aikin, as if from habitual good manners, and after looking round for a chair, she smiled, and said, "Oh! I remember, they took my chairs; but, pray be seated, Ma'am,—I have been trying," she continued, "to kindle a fire to warm my baby and me, but my stuff is so light it goes out directly, and we don't seem to get warm, Ma'am."

'Mrs Aikin perceived at a single glance at the poor woman's burning cheeks and parched lips, that she was in the delirium of a fever. She approached her and offered to take the child.

'"Oh no," she said, "not my baby; you know when they took all the rest, they promised not to take my baby."

'"But let me try to quiet her for you."

'"No, I thank you, Ma'am—she is only fretting for her breakfast." She put the infant again to her breast; the child seized it with the eagerness of starvation, and then redoubled its cries.

'"I make but a poor nurse," said the mother, smiling faintly; "I think it does not agree with me to live without food.—Do you think that can be the reason my baby does not thrive, Ma'am?" and she raised her eyes to Mrs Aikin, as if appealing for her opinion. The tears of compassion were streaming down Mrs Aikin's cheeks, and the poor woman apparently from pure sympathy, burst into loud sobs. The little boy threw himself on a bed in a corner of the room, and burying his head in the bedclothes, tried thus to suppress his cries.

'Mrs Aikin, aware that the wants of these sufferers would not

justify a moment's delay of the succor they needed, called the boy to her and despatched him to her husband with a note, which she hastily wrote with a pencil on the back of a letter. While he was gone, she had leisure to observe the extreme wretchedness of the apartment, in which there was not an article of furniture, save a straw bed and its scanty covering. There were shreds of the garments strewed about the floor, the 'light stuff,' the poor crazed woman had been burning to warm her infant.

'"Have you been long sick, my friend?" she asked, with the faint hope of obtaining a rational answer.

'"Sick! sick!" replied the mother, "yes, a good while, I have been sick a trifle; the intermittent and the typhus, but I believe I am getting the better of it all, for yesterday I felt quite hungry."

'"And did you take any thing?" asked Mrs Aikin.

'"Oh yes," she answered, drawing near to Mrs Aikin, and whispering with an air of great self complacency, "I did indeed take something—all I had in the house—an excellent thing to blunt the edge of one's appetite—laudanum—you know, Ma'am, it is doctor's stuff, and the doctors know how to cure an appetite."

'"God help you, poor woman!" exclaimed Mrs Aikin.

'"God help me!" reiterated the poor creature, with a piercing cry, "there is no help for me," and she sunk on the side of the bed and wept freely.'

We could have wished that the repentance of the dishonest boy had been described in more striking terms, that his sufferings might have operated as a more effectual warning. Some readers may perhaps think that the story would have been improved if the last two paragraphs had been omitted. The present of the breast pins to children in a situation such as is described may not appear the most appropriate.

5.—*American Journal of Education.* Volume First. Nos. 1—6. Boston. Thomas B. Wait & Son. 8vo. pp. 384.

When this monthly publication was proposed, there were not a few, we believe, who considered the subject of education too specific and too limited to afford materials for a journal of large size and long duration. But if their own reflections have not convinced them of their error, an examination of this valuable work will satisfy them, that the subject affords materials of great variety, and of deep interest to the community. Whatever tends to form a sound mind in a sound body, or in other words, to rear the most perfect moral, intellectual, and physical man, is within

the compass of its inquiries. The subject of education was not indeed overlooked in our respectable journals, which previously existed; but there is a vast deal of information concerning it, which could not be embodied in any one, if in all of them; and our only surprise is, that a work was not earlier projected on a similar plan to that of the one before us.

We have been favored with a few essays and systems concerning education at different periods, written in our language, which are entitled to respect. But it is, after all, difficult to educate children and youth by a system of axioms and rules, however well illustrated; to know when and how far to deviate from the authority, and to adapt the discipline required, either in regard to government or modes of instruction, to all the varieties of disposition and intellect. Little more, therefore, than useful hints can be imparted in elaborate treatises on education, and those we think can be better conveyed in a popular journal. In this way there is a more constant action of one mind upon another; the suggestions, partial and obscure, it may be, of one person, will be amplified and illustrated by a second, and each part of the community will be told what is doing or done in every other. Thus whatever is most valuable in systematic treatises will find its way to the reading public, and will be presented in such a variety of shapes, as to be understood and duly regarded.

A principal purpose of the Journal, according to the Prospectus, and one which seems to be in a successful course of execution, is to collect and record facts, in regard to the state of education in the United States and foreign countries, and consequently to give some account of schools, colleges, and universities in all their varieties and gradations. This part of the plan we consider very important, and one which will prove to be interesting to a great number of readers, and will be the means of extending the improvements in education, which originate in one portion of our great republic, to every other part. And this is an age in which there seems to be sufficient readiness to try all kinds of experiments, sometimes perhaps with less prudence and foresight than the case demands. Still the tendency, on the whole, is good; for we are not among those who admit that error of any sort is sanctified by antiquity.

To those of our readers, if any there be, who have not seen the American Journal of Education, we offer the following extract from the prospectus, which shows the enlarged and liberal views of its conductors on the subject of education.

'Nothing, it seems to us, has had more influence in retarding the progress of improvement in the science of instruction, than narrow and partial views of what education should be expected

to produce. Intellectual attainments have been too exclusively the object of attention. It is too common a thing to consider a man well educated, if he has made a proper use of the common facilities for the acquisition of learning; though the result may have been obtained at the expense of his health, and with much neglect of that moral culture, which is the surest foundation of happiness. In many plans of education, which are in other respects excellent, the fact seems to have been overlooked, that man possesses an animal, and a moral, as well as an intellectual constitution. Hence the total neglect of the requisite provisions for the developement of the corporeal system, and the confirmation and improvement of health, the only foundation of mental as well as of bodily power. The moral department of education has too commonly been restricted to an occasional word of parental approbation or reproof; or, at the best, to efforts limited by the sphere of domestic life. The natural consequence of the restrictions thus unjustly laid on education, is, that we often find, in the same individual, a learned head, but a debilitated body, and a neglected heart. Education should, we think, be regarded as the means of fitting man for the discharge of *all* his duties; it should produce vigorous and hardy bodies, trained to powerful action, and inured to privation and fatigue; hearts formed to all that is pure and noble in moral principle; and minds prepared for efficient exertion in whatever may be their department in the great business of accomplishing the purposes of human existence.'

No. I, pp. 2, 3.

In the further details of the plan of the work, nothing material seems to be overlooked in regard to pupils of any age or of either sex. As to its execution, it would be too much to expect, if it were even desirable, that there should be perfect consistency among the contributors to the Journal, in their views of education, and their judgment concerning the best books and methods of instruction. The conductors of the work disclaim the attempt to obtrude any favorite theories of their own, and should not, therefore, be held responsible for diversity of opinion, in those who are ready to aid the general cause.

We cheerfully recommend this Journal to all heads of families, to instructers of youth, and to pupils who have made any considerable advances in knowledge.

6.—*Reports of Cases argued and determined in the Supreme Judicial Court of Massachusetts.* By Octavius Pickering, Counsellor at Law. No. 1. Vol. iii. Boston. Harrison Gray. 1826. 8vo. pp. 152.

The Reporter has here assumed a new form of publication, which we think will be highly acceptable to the profession, and useful to the public. We presume his plan is to furnish the practitioner and student of the law with recent decisions of our Supreme Court, by promulgating them from time to time in the shape of a well sized pamphlet, instead of waiting for the tardy accumulation of a whole volume.

The complexity of human affairs, and the infinite variety of combinations of which they are susceptible, must forever present new questions of law to the mind of the most accomplished jurist, depending often upon nice principles, remote analogies, and the most delicate shades of distinction. The improvements and changes which are constantly taking place in the arts of life, and the relations of society, give birth to new series of doubts and difficulties in the application of legal principles to individual rights and the interests of mankind, which can be finally settled only by a new series of adjudications. It is highly important to the professional laborer to be enabled to keep pace with these, by the means of early and authentic publications. As the decisions of our court are rendered before the bars of different counties, and it is not the habit of our lawyers to follow its circuits, they have no other means of becoming acquainted with what has been decided in distant parts of the commonwealth. The profession necessarily rely upon the latest report for the law of the day; and many a client might have been saved the expense and vexation of a suit instituted and resisted for the purpose of ascertaining and settling some point of glorious uncertainty in the law, if his professional adviser had been aware of some recent adjudication, which had not yet made its way into print.

The present, which is the first part of Mr Pickering's third volume, contains a report of decided cases, which were argued in Suffolk during the March term of 1825, but upon which final judgments were not rendered, at least in most instances, until the March term of the present year. We notice among them several which are of great importance to the community. The case of the Commonwealth *versus* Harrington, in which an indictment against the defendant for letting a house to a woman of ill fame, knowing that it was to be used for purposes of prostitution, was sustained upon

the broad principle, that the common law will punish *proprio vigore* in every case of exciting, aiding, and encouraging another to commit a misdemeanor, as being in itself a misdemeanor on the part of the abettor, is one which will contribute largely to the preservation of the peace and good morals of society. Merchants and insurers will be glad to learn something upon a question so commonly vexed among them, and so frequently misunderstood by all classes, as what constitutes a technical *bilging*. The case of Ellery *versus* Merchants' Insurance Company settles that there must be an actual *breach* by violence in some part of the vessel, and that the mere gaping of the seams, although occasioned by some formidable accident of the sea, and producing all the bad consequences of a fracture in the ship's bottom, is not a bilging. If we are right, however, in our present recollections of the case of Peele *versus* the same insurance company, recently determined by the first Circuit Court of the United States, the community at large may still be somewhat puzzled between the two decisions. At any rate room enough is yet left for the profession to exercise their wits, in cases which may hereafter arise, upon a question so simple at first view. Banks and depositers will be interested to find it established, that in suits between them the books of the bank are competent evidence to show receipts and payments of money, even though the clerk who made the entries cannot be produced to swear to them; which point, among others, we perceive was adjudged in the case of the Union Bank *versus* Knapp.

There are many other cases of considerable technical interest, and some involving matters of extensive practical consequence. Among the latter we notice that of Dawes, Judge &c. *versus* Head and others, in which the important questions were raised and discussed at the bar, with great ability and very learned research, as to the relative rights of foreigners and our own citizens in regard to the distribution among creditors of property here, belonging to the estates of foreign bankrupts, or persons deceased abroad; and the extent to which a noble species of international comity ought to be carried, in taking judicial cognizance of the laws and institutions of other countries, affecting the rights of their subjects, consistently with that protection which every sovereign is bound, as a primary duty, to render to its own, in cases of conflicting interests. These questions were supposed to arise upon the claims of sundry creditors here to appropriate funds in the hands of an ancillary administrator to the discharge of their own debts in *full*, while the same funds were required by the original administrator abroad, to be divided ratably among the creditors at large of the estate, the whole of the proceeds of which was supposed to be inadequate to pay all the demands against it. The case turned, how-

ever, upon other and more technical considerations; so that we must still say, in the language of the court, that these questions, 'which are of a novel and delicate nature, though often glanced at, do not appear to have been decided in this, or any other State of the Union.' The case, however, is still of great value, not only for the large and enlightened views thrown out by the learned Chief Justice for consideration, rather than as matter of adjudication, but also as containing a copious index to the law upon this interesting topic. The extensive intercourse of a country so commercial as ours with foreign nations, cannot fail ere long to present this question to the court in some tangible and inevitable shape.

The profession are greatly indebted to Mr Pickering for the industry, fidelity, and professional skill which he has exercised in reporting for several years the cases argued and determined in the highest court of Massachusetts. We are not aware that any contemporary reporter, in either of the United States, is prosecuting his laborious task more ably, or in a style of greater general utility; and we shall be glad to see in due process of time as many volumes of his reports as have been put forth by the learned reporter of New York. In the volumes already edited, the arguments of counsel are generally given succinctly and clearly upon the real points in the case; the marginal notes are well digested; and the index is accurate and sufficiently copious. We trust and believe that this gentleman will be remunerated for the additional trouble and expense of publishing in numbers, to which he has now put himself, by an increased circulation of his work. The recent date of the decisions will make them an object of greater curiosity and interest; and many of the learned pursuers of the law, who do not find it is easy to set apart enough from their professional emoluments to purchase a thick octavo of six hundred pages, may probably be induced to try the experiment, whether four pamphlets of one hundred and fifty pages each come to the same thing in the end.

The execution of the present number is in every respect creditable, and much freer from typographical errors than the preceding volumes. Indeed we have observed none of much consequence upon a hasty reading. It would be desirable that each number should so terminate, if possible, as not to break a case in the midst, which is now done with M' Mechan *versus* Griffing; but where a volume is to be formed from the several parts, it will manifestly be very difficult to avoid this always.

7.—*Publius Virgilius Maro. Bucolica, Georgica, et Æneis. Accedunt Clavis Metrica, Notulæ Anglicæ, et Quæstiones, nec non Index Vocabulorum uberrima.* Curâ B. A. Gould. In Usum Scholæ Bostoniensis. Bostoniæ. Sumptibus Cummings, Hilliard, et Soc. 1826. 8vo. pp. 813.

If anything be necessary to be known in order to recommend this book to general favor, besides the name of the respectable teacher by whom it is edited, it is, that its proof sheets have been subjected to the severe inspection of the critical scholar who is connected with the University Press, at which it was printed. For, whatever excellences may belong to a Latin book to be used by the young student, in regard to its general plan or execution, they cannot compensate for typographical inaccuracy. This is a thing which a boy never suspects; and if it often occur, it discourages the learner, and occasions a great waste of time, while he is endeavoring to find a word or to explain a construction, which never existed. It was justly suggested by the editor of the Boston edition of Jacob's Greek Reader, as a defect in our printing establishments, that 'the place of a professional *corrector*, which is considered indispensable in the respectable printing houses of Europe, is generally unknown in this country.' It is a fact, which ought therefore to be widely circulated, that all the classical works which now proceed from the Cambridge University press, are revised and corrected by a competent and very accurate scholar, who is devoted to this highly useful, though unambitious branch of literary labor. We have, consequently, the utmost confidence in the correctness of the text of the edition of Virgil now before us. If we had read the whole, and discovered no error, we should not dare to pronounce it immaculate, for perfection we consider only among the possibilities. We have had opportunity to examine only portions here and there; but as far as our examination has extended, we have discovered no typographical error, and no inconsistency in the orthography.

The text is printed from Didot's stereotype edition, and is substantially that of Heyne, collated with those of Heinsius, Burmann, and others. It is printed with great neatness, in a type of sufficient size, producing well defined, well filled, well rounded letters, such as the eye may dwell upon without pain or weariness. We are acquainted with no edition, which, as regards typography, the accuracy of the text, and the correctness of punctuation, we should believe, will be read with more satisfaction.

We rejoice to find this edition of Virgil excluding the *order of*

construction or the *interpretation*, which has so long disfigured our school Virgil, and other Latin poets. This interpretation, and translations into English of similar demerit, have often been the miserable crutches by which boys have limped their weary way through the Æneid, wholly unsuspicious that they were in company with one of the greatest poets of ancient or modern times. Teachers, also, have frequently erred by putting Virgil into the hands of boys of too tender years, or of young men too little advanced in the knowledge of Latin. Deprived of these facilities, as we trust they soon will be, and will gladly consent to be, they will find that Virgil is not among the first authors to be studied by their pupils; and that, in order to be read with pleasure and advantage, a copious vocabulary, and considerable skill in the construction of the Latin language, are requisite. But to return to the interpretation, which fills the margin of the editions of Virgil in common use; we are happy to add the remarks of Mr Gould on this subject, which, from his experience and observation as an instructer, are entitled to particular respect.

'If any one cause has operated more than every other to prevent young men from acquiring a free and easy manner of reading the Latin poets, it unquestionably is the habit of using an *order of construction*, or an *interpretation*. The use of these pernicious helps not only prevents those who rely on them from ever acquiring the power of reading with ease and pleasure without them, but it is utterly subversive of one of the principal objects of studying the language, that mental discipline which is acquired by the practice of critical and exact analysis. This salutary influence, the use of an *order* or of an *interpretation* effectually counteracts.

'The student will hardly take the pains of disentangling an intricate sentence, when the work is done to his hand; nor will the test of grammatical construction or of prosody be applied, when a glance at the interpretation will remove all doubts. The habit of thus referring to the judgment of others soon becomes settled; while that of analysing is never formed, nor the discipline of mind acquired, which it is suited to effect. Besides this, the habit of using these unnecessary aids prevents that feeling of self reliance, which successful efforts alone can secure.

'To this cause we must attribute the fact, that so few among our educated men read the Latin poets with ease or pleasure. But if the habit of reading independently of foreign assistance be once formed, the want of such assistance is not felt. It is found by experience, that boys, who have been taught in this way, read Horace and Juvenal as readily as they do Cicero and Tacitus; and even with more confidence; since in poetry they are furnish-

ed by prosody with an unerring test for resolving many doubts, while in prose they have no such aid.

'These are not new views. Books furnished with these auxiliaries are going out of use in the best schools in foreign countries. Thirty years ago the learned and practical Vicesimus Knox expressed his disapprobation of them.' *Preface*, p. 3.

Immediately following the text is a Metrical Key, containing a selection of the verses most difficult to be scanned, and a solution of them. The solution extends through the whole of the Eclogues, Georgics, and Æneid, in the order in which the verses occur. The editor has followed the authority of Dr Carey, well known by his learned labors in Latin prosody. The value of prosody has been generally much underrated by instructers in our schools and academies, and they have, for the most part, contented themselves with a very superficial knowledge of the subject, and consequently with a very imperfect mode of teaching it. This key, in which the various peculiarities of the author are particularly explained, will convince them that every thing is not at once plain and obvious, even in hexameter verse; and that certain things which are peculiar, and which have commonly been referred to arbitrary authority, are founded in rules that can be made perfectly intelligible.

Concerning the Notes in this edition, the following account is given in the Preface.

'In preparing the Notes, free use has been made of all the materials within the editor's reach. In all cases, where it could consistently be done, the authority has been given, except where the notes of Mr Valpy's edition have been adopted. These, as his own remarks are frequently blended with other authorities, have not been particularly designated. The notes of the learned I. H. Voss were first made English for that edition, to which notes this is likewise indebted. The notes are explanatory of the text, and not designed to supersede the use of the Classical Dictionary; which should never be out of the student's reach. In the vast variety of materials presented, it has been found difficult to be sufficiently concise. For it is easy to say much upon Virgil, but difficult to say a little to the point. Boys will not voluntarily read long notes, even in their vernacular tongue; much less in a foreign language. But, when embarrassed, they will seek relief from notes, if they are short.' *Preface*, p. 4.

The notes are various in their kind; and not among the least frequent or useful are those of a philological character. The editor will not be accused of superfluity or prolixness in this part of his work; and his reasons for brevity are such as every person of similar experience will accept without hesitation. In the phi-

lological notes, when other authors are cited for the sake of criticism, or interpretation of the text of Virgil, the place in which the phrase or passage is found is commonly referred to. Numerous mistakes of reference, with corruptions and disfigurements of the cited passages, were found in Valpy's notes, which have been corrected for Mr Gould's edition, by the unusually faithful examination of the gentleman before mentioned, as corrector of the press.

A series of Questions are annexed, arising as well from the notes as from the text, which will assist the teacher in ascertaining how far the pupil has studied the author understandingly, and made faithful use of the notes, and also of his Classical Dictionary. But apart from the use to be made of these questions by the instructer, we have no doubt that they will of themselves attract the attention of many intelligent and inquisitive pupils, and thus quicken their recollection of the whole subject matter of the several poems, as well as of the criticism of particular passages.

Lastly we cannot forbear to say one word of the Index, which has been adapted by a rigorous revision of words and phrases, to the particular text to which it refers. We had begun to fear that *indices*, which have been so much neglected by modern scholars, were getting to be considered a kind of lore too antiquated and cumbrous for the present age. But we recollect too well the assistance we have derived from the indexes to our classics in comparing words and phrases, and in recovering a partially remembered passage, to withhold our thanks for the labor which has been bestowed upon the index of the present edition of Virgil.

It is not long since we were dependent mainly on our parent country for books in the learned languages, to be used in our schools and colleges; and the few that were reprinted here were generally so inaccurate, as to be wholly undeserving of confidence. But the time has come when we must rely on our own presses to supply the demand for such books. We cannot afford the expense of importing them; and if we could, there have been such improvements in printing, and there are so many scholars among us qualified for the literary execution of them, that no reason remains why we should not depend upon our own means of preparing and furnishing suitable books. But to this end it is all important that some competent scholar should be so connected with the printing establishment whence the books proceed, as to have a well known responsibility, and the opportunity of establishing his reputation by industry and experience. And what more suitable establishment for this purpose can be named, than the printing press of our oldest and best endowed University; the first erected press in the United States, and having subsidiary to it the amplest library of those books of reference, which are indispensable to the right discharge of an editor's duty.

The experiment has already commenced, and three other works have preceded the one now before us, which have passed through the hands of the corrector of the press, and for whose accuracy he is responsible; namely, Gould's edition of Adam's Latin Grammar, the Four Gospels, and Collectanea Græca Minora. As far as we can speak from our knowledge, or from the testimony of others, we are free to declare our full belief that these several books mentioned are as nearly perfect in regard to typographical correctness, as any reasonable man can expect. Of these books, Mr Gould's edition of Adam's Latin Grammar was noticed in the fiftieth Number of our Journal. The Four Gospels, the only part of the Greek Testament, now required for admission into Harvard University, is furnished with a Greek and English Lexicon, prepared by a distinguished scholar in the vicinity of Cambridge. In the sixth edition of the Collectanea Græca Minora, the notes, and the definitions in the Lexicon, are translated into English. So many errors had crept into the text of this work, that no small obligation is conferred on our schools by this edition, which needs only to be known in order to supersede the use of all others.

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'One reason alleged, especially in Europe, for a belief in contagion of yellow fever is, the reputed fact, that the same person cannot take the disease a second time. Although the infrequency of a second attack from the causes alleged above, gives some plausibility to the assertion, it is certainly erroneous. It is a very common impression among our inhabitants, that a person who has experienced a severe fever should seek, the following season, a northern climate for the perfect restoration of his health. Such as adopt this means destroy the future protection derived from the attack of the fever; and render themselves, upon another summer's residence amongst us, almost as obnoxious to the causes of the disease as upon the first exposure.

'Nearly three hundred negroes were brought into this place [Savannah] early in 1820, who had been captured on our coast by government vessels. They were recently from Africa. These persons remained in Savannah during the prevalence of yellow fever, and not one suffered from the disease. Their exemption is attributable to their habitual exposure, in their native country, to the causes of yellow fever, equally concentrated with those which prevailed here, at that time producing among us a mortality perhaps unexampled in this country. Africans, however, like other people, are subject to the influence of climate, custom, and habits; and the exemption from yellow fever, which they acquire by their habitual exposure at home, is generally impaired by their translation to more healthy climates. Dr Rush, supported by some West India physicians then in Philadelphia, declared the negroes not liable to yellow fever. Observation, however, soon satisfied him of his error, which was readily acknowledged. The opinion of the West India physicians, confined to the field of their observations at home, was no doubt correct. It was the change of climate, with the subsequent change of habit, that subjected the negroes of Philadelphia to yellow fever.

'Negroes, habituated to the atmosphere of rice plantations, are in a very great degree exempt from severe autumnal diseases; and the native African more so than his offspring; and they are more liable to the diseases of the winter. House servants are more liable to the former and less so to the latter. This difference of predisposition, among members of the same family, is mainly attributable to the influence of their habits and customs. Many of our domestics became victims to the yellow fever of 1820. The rice field negro is less removed in his atmosphere, habits, and customs, from those of his native country, than the house servant. The first delights in the heat of our hottest days, if we may judge from the manner in which he voluntarily exposes himself both awake and asleep

to the direct influence of the sun; whilst the latter studiously avoids it. In the proportion that an individual acquires an exemption from yellow fever, his liability to winter disease increases. Nature has most happily endowed our systems with a capacity to adapt themselves to new situations. That state of the system which is best qualified to shield us from yellow fever, is least calculated to protect us from winter disease, and *vice versâ*. The skin of the African, defending him from disease in the midst of his exposures at home, upon a translation to a cold region, renders him highly obnoxious to winter disease. The vigorous health of the New Englandman, that sustains him in his hardy exposure at home, qualifies him for severe disease, when translated to the West Indies.'

MISCELLANEOUS.

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This pamphlet relates to the famous grant of the king of Spain to the duke of Alagon, previous to the cession of Florida to the United States. In the treaty of cession, it was stipulated on the part of our government, that this grant should be annulled. It was so annulled in an additional article signed by the king. Meantime Alagon had sold his grant to Mr Hackley and others, and this claim is now sustained by these purchasers, on the ground that the Spanish constitution gave the king no power to annul a grant of this sort. The pamphlet contains a copy of the first grant, the certificate of possession, the deed given by the duke of Alagon to Hackley, extracts from the treaty between the United States and Spain, and from the Spanish constitution; and also the elaborate opinions of the following lawyers on the subject, namely, Robert B. Taylor, M. M. Robinson, W. W. Van Ness, Wm Sampson, George Caines, David B. Ogden. All these, except Mr. Ogden, support the validity of the title and claim. The tract of land embraced in the grant extends to nearly one half of East Florida, and is situate on the side of the gulf of Mexico. Mr. Hackley has already begun to settle the lands, and to dispose of them as his own. Whether our government will interfere in the case, or quietly accede to the claim, does not yet appear.

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WORKS PROPOSED.

The League of the Alps, with other Poems, by Mrs Felicia Hemans; together with a Selection from her former Publications; in one volume, 8vo.

Persons holding subscription papers are requested to return them immediately. The editor of the abovementioned publication will receive from Mrs Hemans the work about to be published by her, entitled 'The Forest Sanctuary,' as soon as may

be after its appearance in England. It will be reprinted by him here, for her benefit, uniformly with the volume now proposed.

Proposals have been issued for publishing by subscription a new Edition of LEE'S MEMOIRS OF THE WAR OF THE REVOLUTION in the SOUTHERN DEPARTMENT OF THE UNITED STATES; with CORRECTIONS left by the AUTHOR, and with NOTES and ADDITIONS by H. LEE, the Author of the CAMPAIGN OF '81.

These last will contain short Biographical Notices of Generals Wayne and Pickens. The work will be delivered by Davis & Force, in the city of Washington, in one neat octavo volume, of about 500 pages, on or before the next meeting of Congress, and immediately after in the principal cities of the United States, at *two dollars and fifty cents* a copy.

We are glad to find that a new edition of this work is coming before the public under auspices so favorable. In its original form it constitutes a valuable contribution to the history of the American Revolution; and with the additions promised by the present editor, it connot fail to be rendered still more interesting and important. A new edition has been for some time wanted to answer the demand of the public.

A MAP OF THE NEW ENGLAND STATES, with the Adjacent Parts of NEW YORK and UPPER CANADA. By NATHAN HALE.

The character of this work, which is nearly ready for publication, may be best learned from the following extract from the Prospectus, just published.

'This Map is drawn on a scale of eight miles to an inch. It exhibits the boundaries of every town, the principal public roads (distinguishing the turnpikes and most frequented public roads), the rivers and streams, bridges, villages, meeting-houses, and other objects which the size of the map admits of having delineated.

'In drawing the Map, care has been taken to consult, not only the published maps of the several states, but all the local maps, charts, and surveys of towns, or other sections of country, harbours, bays, rivers and roads, published or in manuscript, to which the compiler could obtain access. For the States of Connecticut, New Hampshire, and Vermont, the excellent maps of Messrs. Warren and Gillet, Carrigan and Whitelaw, drawn from surveys made for the purpose, left little to be desired. For the other states embraced in the map, all the published maps and charts have been carefully examined and compared, besides a vast number of manuscript surveys, made either by public authority or for private purposes. Among the surveys consulted are those made by Mr. John G. Hales, for a map of Massachusetts; those made for determining the boundaries of the several states; the surveys of the towns in Massachusetts and Maine, in the office of the secretary of state, made by order of the legislature of Massachusetts; those made for ascertaining particular routes for canals, and for the improvement of Connecticut river; the numerous surveys and plans in the Massachusetts Land Office; and many others, for the use of which the compiler has been indebted to the liberality of their respective proprietors. For the boundaries of towns, the acts of incorporation have been consulted, and for the course of roads and streams, and the location of other objects, every source likely to afford information, and within the reach of the compiler has been resorted to, to supply, in addition to the fruits of his personal observation, the deficiency of complete surveys. It is therefore hoped that, with the great labour that has been devoted to the work for the space of several years, it is at least as accurate as any work of the kind that has been published in this country.

'An ingenious and careful engraver has been employed for several years upon the work, and so far as the execution has depended upon him it is believed the public will have nothing to complain of. He has been indefatigable in his exertions to render it correct, and of his success in the style of execution the public will be able to judge for themselves, on comparing it with works of a similar kind.

'The engraving is now finished, with the exception of a few corrections which

remain to be made, and it will be printed and ready for delivery to subscribers in the course of a few weeks. It will be printed in four sheets, on paper of the best quality, made for the purpose.'

A Treatise on the Philosophy of the Human Mind, being the Lectures of the late Thomas Brown, M. D. Professor of Moral Philosophy in the University of Edinburgh, abridged and separated according to the Natural Divisions of the Subject, for the use of Colleges and other Seminaries, by Levi Hedge, LL. D. Professor of Logic and Metaphysics in Harvard University.

The design of this edition is to put the valuable work of Dr Brown into such a form as shall render it suitable for a Text Book in colleges and other seminaries. In order to this, 'the unending repetitions and diffused amplifications,' of the Lectures will be retrenched; and what is retained will be divided into Books, Chapters, and Sections; yet in such a manner as to exhibit, *in his own words, and according to his own arrangement, every topic* treated by the author, and to leave his reasonings accompanied by a sufficient number of illustrations.

As these Lectures, which did not appear till after the author's death, had never been prepared by him for publication, it is not surprising that not a little, which was highly useful in them as *oral* addresses, should have a contrary effect when they come to be carefully perused; and that the recapitulatory portions, which served to refresh the memory of *auditors* after a considerable interval, should prove merely an impediment and a cause of weariness to *readers*, whose perceptions are clearer, and whose progress is more sure and rapid, the nearer the related parts of the subject lie together.

Dr Brown himself published a Fragment of an Abstract of the First Part of his system, the Physiology of the Mind. Advantage will be taken of this, as far as it goes, in making the Divisions, and the whole will be executed, as nearly as may be, according to the known views of the author.

Though specially intended for academic classes, this book will probably not be unacceptable to general readers, who wish to become readily acquainted with Dr Brown's System of Mental Philosophy, or any part of it, as set forth in his own animated style.

DISCOVERIES IN AFRICA.

CUMMINGS, HILLIARD & CO. have just received, and put to press, the long-expected NARRATIVE of the Travels of Major Denham, Captain Clapperton, and Dr. Oudney, in NORTHERN AND CENTRAL AFRICA. It is pronounced by the Editors of the Quarterly Review to be the most interesting work ever published on the subject of African researches, not excepting the Narrative of the brilliant discoveries of Mungo Parke. The London edition is in a large quarto volume of about eleven hundred pages, price £4. 14. 0. The American edition will be in a handsome 8vo. volume, of about six hundred pages and several Maps, and the price probably about $3,50.

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NORTH AMERICAN REVIEW.

No. LIII.

NEW SERIES, NO. XXVIII.

OCTOBER, 1826.

ART. I.—1. *Military Laws of the United States, to which is prefixed the Constitution of the United States. Compiled and published under Authority of the War Department.* By TRUEMAN CROSS. Washington, 1825. 8vo. pp. 279.

2. *Documents from the Department of War, accompanying the President's Message to Congress at the Commencement of the First Session of the Nineteenth Congress.* Washington, 1825. pp. 92.

THE volume, whose title we have prefixed to this article, contains a complete code of our army legislation, from the commencement of the government, down to the present time. As this code exhibits the best history of our military policy, which can be attained, we have thought that a rapid review of the various acts it embraces would be neither uninteresting nor uninstructive. The mere fact, that our military establishments have been the result of popular legislation, has a novelty in it, which should command attention. In the older countries of the world, the army forms an essential part of the royal authority, and is often augmented or diminished without reference to the wishes, ability, or wants of the people.

Our venerable fathers, in framing the constitution of the United States, reversed the principles upon which military establishments had been founded for ages. They acted upon the

conviction, that the power of declaring war, and of creating the means of defence and offence, those high attributes of sovereignty, upon the due exercise of which depend the welfare and often the existence of nations, should reside with those, who have the deepest interest at stake, and who are the least likely to abuse it. Accordingly they placed it in the hands of the representatives of the people, that so the military force of the country, instead of being the creature of an arbitrary and irresponsible will, should be the offspring of the same popular and deliberate legislation, which originates every other measure connected with the general good.

Jealousy of military power has ever been a practical feeling in this country. Its influence was felt by the colonies, and was among the exciting causes of the Revolution; and it required all the difficulties, and even occasional desperation of the struggle, to restrain it from embarrassing all the measures of the war. The continental Congress, it is true, standing on high and central ground, and comprehending the full responsibility of the cause it was directing, often gave signal proofs of an elevation above all narrow prejudices, when the fate of that cause was in jeopardy; and once or twice confided to General Washington an almost dictatorial power.

The war of the Revolution ended in 1783. In April, 1785, the military establishment of the United States was fixed at one regiment of infantry, and two companies of artillery, or about 800 men. Thus the nation, two years after a protracted and exasperated struggle with one of the most powerful kingdoms of Europe, while most important relations were still unsettled, and with a host of unquiet and formidable neighbors upon its interior frontiers, whose excited spirits could not subside into peace, like those of more civilized nations, at the bidding of a treaty, stood nearly divested of every means of organized defence. While we recognise a strong cause of this abandonment of self protection, in the exhausted condition of the country, we may likewise discern in it that cautious policy, pushed somewhat to an extreme, which regarded soldiers as useless and even dangerous, when not required for immediate service.

About two years after this period, the military establishment was augmented by 700 men, and remained thus until 1790, when, under the new constitution, it was fixed at one regiment of infantry, and one battalion of artillery, embracing 1216 men. The President was at the same time authorized to call into service

such militia, for the defence of the frontiers, as he might deem necessary. In 1791 the establishment was again increased by the addition of another regiment of infantry, and the President was empowered to raise 2000 *levies*, as they were termed, in lieu of the militia he had before been authorized to call out. In 1792, the infantry was still further augmented by three additional regiments, one of which was so organized, as to embrace a squadron of four troops of light dragoons. In 1794 eight hundred men were added to the artillery, which was thenceforward to be styled the Corps of Artillerists and Engineers. These several additions to the establishment fixed in 1790, formed a force of about 6000. They who are familiar with the history of those times, will recollect, that it was a period of constant and increasing hostility with the Indians, who, as we have before remarked, did not bury the tomahawk, at the general pacification which terminated the Revolution. Our frontiers were drenched with the blood of our unprotected settlers. General Washington, then President, at each session of Congress, reiterated his strong and eloquent representations of these barbarities, and urged the necessity of investing the Executive with power to protect the defenceless and chastise the aggressors. But a distrustful and improvident policy, which seemed to perceive no danger so great, as that which might arise from placing an army at the disposal of the Executive, dealt out the means of defence with such a sparing hand, that it was not until one or two abortive campaigns, and two or three defeats, marked with unprecedented carnage, showed the irresistible necessity of more liberal and vigorous measures, that the President was enabled to bring the war to a successful close. But it was not from the Indians alone that we at that time had danger to apprehend. Our seaboard was not secure from insult; and the angry recrimination, which then marked our negotiations with Great Britain, whose navies governed the ocean, admonished us that we were too vulnerable on that frontier. The President was accordingly directed by the act of March, 1794, to fortify the principal ports on the coast. Twenty different points were indicated by the act, among which, it appears, 350 pieces of ordnance were to be distributed. The President was about the same time directed to establish three or four arsenals, with magazines and armories connected with them.*

* There are now in the United States, two national armories, and

In May, 1796, the military establishment was again fixed, embracing the corps of artillerists and engineers, two companies of light dragoons, and four regiments of infantry, or about 3000 men. This establishment continued the same throughout the remainder of General Washington's administration. Mr Adams came to the presidency amid the growing troubles with France, and his administration was marked from its commencement to the termination of these troubles, with frequent and extensive augmentations of the military force. The alarm of the nation was doubtless great; and the confidence of Congress in the Executive appears to have been in proportion. It was a striking conversion from the chary and mistrustful policy of 1792 and 1793, when an enemy, covering our very thresholds with slaughter, could induce only tardy and scanty measures of defence, to the confiding liberality of this period, when, in order to resist an enemy, not yet openly declared, and separated from us by the Atlantic, the nerve and strength of the nation were placed at the disposal of the Executive.

In April, 1798, an additional regiment of artillerists and engineers was raised; and in the following month, the President was invested with power to raise, during the recess of Congress, 10,000 men for the term of three years, and to accept of any company or companies of volunteers, which might be offered for service. The latter clause would appear to have conferred a power commensurate with the force of the entire militia, provided the spirit of volunteering had prevailed to that extent. About one year after this, the President was conditionally authorized, in the language of the act, ' to organize and cause to be

eleven national arsenals. The armories are at Springfield, Massachusetts, and at Harper's Ferry, Virginia. The arsenals are at Watertown, Massachusetts; Watervliet and Rome, New York; Baltimore, Maryland; Washington, District of Columbia; Richmond, Virginia; Augusta, Georgia; Frankford and Pittsburg, Pennsylvania; Baton Rouge, Louisiana; and Detroit, Michigan Territory. Arms and accoutrements are manufactured at the two armories, 79,259 of the former having been made in the course of the last three years. Accoutrements, gun carriages, &c. are made at many of the arsenals, while some of them are used merely as depots. There are no public founderies for ordnance, the supply being obtained by contracts from private founderies, of which there are a sufficient number in the United States to answer all demands. Lead is obtained in ample quantities from the public mines.

raised,' * an additional military force, to consist of twentyfour regiments of infantry, one regiment and one battalion of riflemen, a battalion of artillerists and engineers, and three regiments of cavalry. The same act limited the number of volunteers which could be accepted by the President under the indefinite act of 1798, to 75,000. The amount of force, including regulars and militia, which the several foregoing acts empowered President Adams to raise, under certain exigencies, supposed no doubt to exist, considerably exceeded 100,000 men.

The difficulties with France were adjusted in 1800, when this formidable army was reduced to four regiments of infantry, two regiments of artillerists and engineers, and two troops of light dragoons. Again, in 1802, under the pacific auspices with which Mr Jefferson had begun his administration, the military establishment was still further diminished, being fixed at one regiment of artillerists, two regiments of infantry, and a corps of engineers, or about 3,000 men. By the same act, the engineers, being formed into a separate corps, were stationed at West Point, and made to constitute a military academy, thus laying the foundation of that excellent institution, which is now flourishing with so much credit and usefulness to the country. We shall not now pause to indulge ourselves in such remarks, as this allusion to its origin might naturally suggest.

No change was made in the force of the military establishment from 1802 till nearly the close of Mr Jefferson's administration. In April, 1808, our disputes with Great Britain having become aggravated by several incidents, which particularly affected the interest and honor of the country, an additional military force was authorized, to consist of five regiments of infantry, one regiment of light artillery, and one regiment of light dragoons, augmenting the establishment already on foot by about 6000. The act creating this augmentation, contained a clause, which required that every officer, appointed under it, should 'be a citizen of the United States, or,' as it adds with superfluous precision, 'one of the territories thereof.' Previously to this time, many foreigners had been introduced into our service, some of whom, it is believed, had not even taken the oath of allegiance. The recruiting under this act was suspended about a year after-

* The inversion of phraseology here exhibited, is one among the many proofs, which might be selected, to show the great looseness of the language used in our military legislation.

ward, in consequence probably of the arrangement with Mr Erskine, the British minister, and was not renewed, although this arrangement was soon disavowed and annulled, until within about six months before the declaration of war. Shortly after this renewal, early in 1812, Congress passed an act, authorizing an additional military force of 25,000 men, to consist of ten regiments of infantry, two regiments of artillery, and one regiment of light dragoons. In the beginning of 1813, twenty additional regiments of infantry, or 20,000 men, were authorized; and in the beginning of 1814, three additional regiments of riflemen. No further augmentations were made to the regular force during the war.

It would appear from the foregoing acts, that the nominal regular force on foot, during the war of 1812, was between 60,000 and 70,000. It is not probable, however, that the establishment ever approximated to an efficient fulness. The recruiting service held out powerful inducements to enlist, the bounties having been enlarged, until the recruit, besides his monthly pay of eight dollars, was offered fifty dollars when enlisted, an additional fifty when mustered, and twentyfour dollars and 320 acres of land at the expiration of his term of service; and we believe there was no want of men; but the pressing exigencies of the war, transferring the raw soldier immediately from the rendezvous to the scene of action, left no time for the operation of that preliminary discipline, which gives cohesion and permanency to a body of men. Hence battalions, which marched from the rendezvous complete as to numbers, before they reached the frontiers were often reduced to meagre detachments.

Peace was ratified with Great Britain in February, 1815; and among the subjects which first engaged the attention of Congress, was that of reducing the army to the proper standard of peace. Accordingly, on the third of March following, the military establishment was fixed at 10,000 men. Again, in 1821, it was still further reduced, being diminished to 6000, which is the number on foot at the present time.

Such is a brief sketch of the legislation, which has affected the numerical force of our army, from the commencement of our government. It is a dry statement, but it suggests some interesting reflections. The manner in which the country threw off its armor at the close of the Revolution, and stood among the nations of the earth, probably a solitary instance, without any organized means of defence; although it bore the sem-

blance of a high degree of self confidence and moral energy, yet was doubtless more the result of a weak and exhausted government, and of a deep rooted aversion to military establishments in time of peace, than of any sound calculations of economy, or just notions of national defence. The wisdom of that enlightened period could not have been deluded by a belief, that the causes of hostility among states had ceased to operate upon earth, or that the mere reputation of having struggled, however nobly, for independence, would be a sufficient panoply of strength. We soon had abundant proofs, that we were liable to collisions and injuries. But it required time and experience to correct that tendency to extremes, which marked many of the strong and salutary prejudices of the Revolution. Perhaps a more imposing array of national defence might not have averted the troubles which gathered about us; but we may be allowed to suppose, that manifestations of greater vigor, and an attitude more likely to command respect, would in some degree have restrained that spirit of insult and aggression, which visited us with wrongs from the close of the Revolution down to the late war.

The reluctant and tardy grants of military force, during the administration of General Washington, may be said to have cost the nation much blood and treasure; and to have inculcated a lesson, which appears to have reached with great force the policy of the succeeding administration. We have already had occasion to remark upon the liberality, with which Congress called out the force of the nation under President Adams; and there is no doubt that this liberality produced a new reaction on the policy of his successor, who came into power over the prostrated and unpopular measures, which had distinguished this agitated and eventful administration. Mr Jefferson's policy was preeminently pacific. The small military establishment fixed in 1800, was still further reduced in 1802; and the system of Mr Jefferson's measures appears to have aimed at practically proving, that the objects usually sought for by an appeal to arms, could be attained short of that *ultima ratio regum*. But this illustrious republican calculated too largely upon a self denying patriotism, which probably never existed in any nation. Had his expanded and philanthropic designs been faithfully seconded by every class of citizens, the final result, as it respects the security of rights and the redress of wrongs, might have been as favorable, as that which followed the subsequent war. To have severed all connexion with the belligerents of Europe, and with-

drawn for a season from the ocean, would have involved immense sacrifices of national wealth; but the alternative of war could hardly encourage a hope of less sacrifice, independent of the waste of human lives. As the experiment failed, it was doubtless an injury to the country. It did not avert, it only postponed a war, while it greatly diminished the resources essential to its prosecution. Besides, it may be questioned whether, among the jostling nations of the earth, such a noncombatant system ever can be successful. The nation, that should always be found, as soon as belligerent conflicts begin to trouble the ocean, abandoning all the pursuits of commerce, rather than defending them by the sword, would, we apprehend, become the common mark of insult and cupidity. Prudence would be mistaken for pusillanimity, and, in the end, either the ocean must be abandoned, or the common right there maintained in the usual way. There is no axiom better settled, than that a nation, in order to prosper, must be respected; and, in order to be respected, it must be determined and prepared to defend itself.

The want of due preparation, before the commencement of the last war, has been the subject of much animadversion. If the preparation to meet the anticipated conflict of 1799, under Mr Adams, was more than commensurate with the danger, that for the war of 1812 would seem to have fallen into the other extreme. And there was less excuse in the latter case, as the time of opening hostilities was chosen by ourselves. We are not unmindful of the often alleged unfitness of a government, constituted like ours, for prompt and efficacious preparation for war. Compared with monarchical governments, it is, in these respects, far behind; and it is no doubt true, that in proportion as a government recedes from despotism, it loses in a degree its military efficiency. But this applies to preliminary movements, and more particularly to the power of masking them from the public, than to operations subsequent to declared hostilities. It is certain, that nothing can be done secretly in this country, and we could never expect to find an enemy unaware of our force and general intentions; but we can perceive no obstacle to any extent of open preparation. At the crisis we allude to, every fort could have been forewarned of the expected contest, and prepared to meet it, as we had a respectable force on foot, well officered and disciplined. Both upon the maritime and interior frontier, the rust of a long peace could have been rubbed off, and a spirit infused into the garrisons, suited to the approaching

change. But we believe the newspapers alone conveyed to the army the signs of the times, and that every post rested in undisturbed repose, until awakened by the President's proclamation of war, perhaps conveyed through the same channel, or communicated by the enemy in a summons to surrender.

The military establishment recommended by the Executive, at the peace of 1815, to be reserved out of the army then on foot, was 20,000 men. It will be recollected, that the war had disturbed nearly all the Indian tribes on our interior frontier; and that, through the agency of the British, or from their native proneness to war (the United States having at first refused to accept their services), most of them were actively engaged against us. The peace with Great Britain had only nominally pacified many of her red allies, and it was believed, that nothing but an imposing force in their neighborhood would restrain them within the bounds of peace. Under these considerations, the above force was not deemed too great for the security of the country. But Congress determined that half this number would be sufficient; and the result has not proved that their estimate was wrong.

In 1821, our relations with the Indians, as well as with the European nations, having become settled, and confirmed by a peace of some duration, the same authority determined, that 6000 men were an establishment adequate to answer all the demands of the public service, simplifying the organization by suppressing the light artillery and riflemen, corps which served rather to diversify, than to improve our means of defence. This establishment, although small for our widely extended frontier, is probably sufficient for the purposes of peace, and may be made to embrace within itself the power of expansion, to meet even the exigencies of war. In 1812, we had a force on foot of about the same numbers as at present, many of the officers of which had been in commission since the formation of the government, and most of them had the experience of some years' discipline. Had an additional force been ingrafted on this establishment, thus diffusing the existing science and practice throughout the whole mass, we should no doubt have begun hostilities with greater chances of success. Our present army is susceptible of great enlargement, without any increase of regimental officers, or losing much of its immediate efficiency.

But an additional army, organized in any manner, would not now be subjected to the disadvantages which existed in 1812.

At that time it may be said there was no established system either of tactics, discipline, or administration. Steuben's work, the manual of the Revolution, had been suffered to sink into disuse, and its place had been supplied by such a selection from more modern systems, as suited the taste or caprice of any officer. And the regulations were *lex non scripta*, founded only in usages, or orders, which were no longer accessible. Thus the officers of new regiments raised in 1812 were left almost entirely to conjecture, as to every point of duty. Two attempts were made early in the war to introduce new systems of infantry tactics, both of which appear to have been only partially successful. A resolution passed Congress early in 1813, 'requiring a military system of discipline for the infantry of the army and militia of the United States' to be prepared. A board of officers was constituted, which compiled a system of *Infantry Tactics*, from the most modern and approved works, which was adopted, and has since been the guide of the army.* But this was not supplying all the desiderata of the army. The artillery, a most important branch of our national defence, was, and, it is believed, always had been, without any established guide; and, as we have before remarked, there was no system of police and general regulations. Both these deficiencies were supplied in 1821. A Treatise on Artillery, by General Lallemand, an officer of distinguished reputation from the French service, was then adopted by the President for the service of the United States; and during the same year, a *System of General Regulations* was compiled by Major General Scott, from the French and English services, which has since been enforced throughout the army. The circle of systems for the various branches of our service may now be considered complete, and, whatever may be their minor defects, they must, if properly enforced, produce uniformity and comparative efficiency.

In looking over these Military Laws, it is impossible not to be struck with the want of regularity and congruity, which prevails throughout our army legislation. There are scarcely any two laws, although they have precisely the same objects in view, which are alike. This irregularity is particularly conspicuous in everything that relates to organization, in which, above all other things connected with the army, a sameness, so far as is compatible with the service, should be preserved. If it were a crude sub-

* This system was revised in 1824.

ject, on which innovation might exercise its caprice, in the hope of improving upon the past, there would be a better excuse. But the orgaization of companies, regiments, brigades, divisions, &c. has been long settled by experience, and in all its essential parts has taken a permanency of character, which will probably not be materially changed as long as the present mode of arming troops obtains; and any *uniform* organization, which adheres to established principles, is good. In illustration of the foregoing remarks, it is only necessary to cite the history of any one corps. For instance, the following are the mutations and permutations of the artillery. In 1790, it was organized as a battalion of four companies, commanded by a major; in 1794, it was enlarged, became denominated the corps of artillerists and engineers, and had one lieutenant colonel, four majors, and sixteen captains; in 1798, another regiment was added, having however only three battalions; in 1799, a battalion was added; in 1802, the whole was consolidated into one regiment, having one colonel, one lieutenant colonel, four majors, and twenty captains, the engineers forming a separate corps; in 1812, two additional regiments were raised, differing from the one already on foot, in having two lieutenant colonels each, and only two majors; in 1814, it again changed its form, and became a corps, having six lieutenant colonels, six majors, and fortyeight captains; and again in 1821, it underwent its last transformation, being once more arranged into regiments after the usual mode.

We do not pretend to determine which of the various organizations exhibited in the course of these shiftings was the best, but we presume an adherence to the principles of any one of them, would have been preferable to such capricious changes; and we certainly can see no excuse for allowing different parts of the same corps to present the absurdity of dissimilar organization. The increase and the diminution of an army are perfectly feasible, without disturbing the principles of uniformity. Forbearing to adduce the instance of other corps, which exhibit nearly the same incongruities, we will only advert to the general organization of the army at the beginning of the late war. To pass over the artillery, of which we have already spoken, we had two regiments of light dragoons, one of them consisting of one colonel, one lieutenant colonel, one major, and eight captains; the other, of one colonel, two lieutenant colonels, two majors, and ten captains. In the infantry, there were seven regiments, each having one colonel, one lieutenant colonel, one

major, and ten captains; and ten other regiments, each of which had one colonel, two lieutenant colonels, two majors, and eighteen captains. This discordant and unmanageable organization was corrected in some degree, a few months afterwards, by dividing the unwieldy regiments of the new establishment. It is difficult to account for such eccentricity of legislation, except by supposing that, in framing a new act, no reference was ever made to older acts; or, that harmony of organization was deemed of too little moment to merit attention. It has been considered important to the effective cooperation of the militia with the regular troops, that the former should assume an organization as conformable as possible with that of the latter. But which of the Protean shapes, in which our army has appeared throughout the last thirty years, should we expect the militia to adopt?

Much the same animadversions could justly be applied to all the other branches of our army legislation. No fixed rules or established principles appear to have been adopted in any case. And we were not without standards and precedents, for the war of the Revolution had introduced the most approved modes of military service, and ingrafted them upon our country. Baron Steuben was a thorough bred disciplinarian of the Frederick school, and through his useful agency, and by an association with the French army, the best practices of Europe had become familiarized to General Washington's army. Many improvements have been made since that period; but these relate to armament and evolutions, rather than to organization. The division and subdivision of troops, best suited to their mobility and the convenience of command, the proportion of officers, and their relative rank, the separation and arrangement of staff duties, have all remained essentially the same.

A consideration of the foregoing subjects naturally leads our attention to the present *system of fortifications*, which is essentially connected with the army. At the beginning of the Revolution there were but few fortifications upon our maritime frontier. Castle William, in Boston harbor, was doubtless in good condition when it fell into our hands; and it was probably the only work, that could be of much service to us, for which we were indebted to the mother country. Early in 1776, the necessity of an increased maritime defence was felt by the continental Congress, and in March of that memorable year, a committee was appointed, 'to consider of the fortifying one or more posts on the American coasts, in the strongest manner, for the

protection of our cruisers and the reception of their prizes.' We have not ascertained which of the humble works, that afterwards became distinguished for the gallant defences made in them, were erected in pursuance of this resolve. It is not probable that many of them remained at the close of the war, or if they did, that they could be regarded as any security to our coast. Before the peace, the British had made their way into every important harbor of the United States, except Boston; and that place was probably indebted for its protection, more to the temporary presence of the French fleet, than to its castle, or even to its celebrated heights, where the hasty works had

'Wove like a diadem their tracery round.'

Our seaboard continued in this naked condition until the year 1794, when acts were passed by Congress, directing the principal ports in the United States to be fortified 'under the direction of the President, at such time or times as he might judge necessary.' There is a peculiar feature in these acts, which shows the scrupulous precision with which power was meted out to the Executive in those days. Each of them specifies, with an explicit minuteness, which implies that the power was not deemed to result as a matter of course, that the President should be authorized 'to employ, as garrisons, in the said fortifications, or any of them, such of the troops on the military establishment of the United States, as he might judge necessary.' The act likewise specifies the quantity and even the calibre of the ordnance, and the number of shot to be provided.

We do not know what works were immediately undertaken in execution of these acts, but, as the first appropriations for this purpose appear not to have been made until about three years afterwards, it is not probable that much was done previously to that time. The more modern mode of legislation in such cases, which begins with an appropriation, seems not then to have been adopted. The amount of the appropriation made at the time alluded to, and the year following, to fulfil the projected plan of fortifying twenty different harbors, or inlets, was three hundred and sixtyfive thousand dollars, being about the cost of some one of the forts belonging to the present system. The residue of the funds was to be supplied by debts due to the United States from individual states, which were to be credited for such labor as they might perform upon works erected for their own defence, provided that the expenditure did not exceed the balance

found and reported against the respective states. Through these united means a few imperfect and perishable works were erected, for the protection of the principal seaports.

The subject of fortifications does not appear again to have attracted the attention of Congress, until after the lapse of ten years, during which time our country had suffered severely in its wounded interests and wounded honor. In the beginning of 1808, an appropriation of one million of dollars was made, to enable the President to repair and finish such works, as had already been completed or begun, and to erect such others, as might be necessary, in the language of the act, to 'afford more effectual protection to our ports and harbors, and preserve therein the respect due to the constituted authorities of the nation.' Under this act, most of the harbors in the United States, of any importance, became fortified. There was much energy and promptitude in the execution of these works, and, as they had been deferred until the moment of urgent necessity, such despatch was indispensable. But the system was probably defective in proportion to this despatch. Time and deliberate calculation are perhaps more requisite in establishing a system of permanent defence, than in any other connected with the welfare of a nation. Haste is utterly incompatible with such a system, which should be founded upon previous surveys, comprehensive and minute, and executed in the most skilful and careful manner. At this time, no general survey of our coast, with a view to a system of defence, had been made. In most instances, such sites were occupied, as had been selected for such purposes in former times. In other cases, slight local examinations determined the choice. These works were generally planned without much regard to the rules of fortification, and constructed of perishable materials. They are now mostly in a state of dilapidation, or have been kept from falling into that state, by frequent and expensive repairs.

There may be many causes assigned for the defects of the system of 1808. It was adopted at a time when probably a two-fold object was in view, that of defending the coast against an enemy, and that of enforcing a series of restrictive measures, which were then operating upon ourselves. Guided by the latter consideration, many works were perhaps erected, which would not have entered into a mere system of external defence. The sum appropriated, likewise, although considerable, yet when divided among so many works, left but a small portion for each.

There was an urgent necessity, however, that the works should be completed; and of course each was made to correspond, not to the natural demands of the site, or the importance of the place to be defended, but to that portion of the million which fell to its share.

But these works, imperfect and insufficient as they were, afforded much protection to the country during the subsequent war. Few of the harbors, which had these defences, were entered by the enemy. Spoliations and conflagrations, which might else have visited our principal towns, were generally confined to weak and insignificant villages. The same war likewise developed our other vulnerable points, as well as showed the utility of strengthening those, whose slight defences had already proved so beneficial. Under the influence of this experience, soon after peace had been established, a plan of surveys was settled and put in operation, embracing a complete examination of the coast, so far as it could enter into a general system of national defence. Each harbor and bay was accurately and deliberately explored, in regard to its capacity for defence both by land and water; all the advantages and disadvantages of localities attentively compared; the magnitude of both the immediate and remote interests to be protected was brought into consideration; and afterwards, the whole combined into one view, in order to produce a general result.

Upon these surveys and calculations a general system of national defence was formed, which was submitted to Congress in 1819–20, and, after a thorough discussion of its merits, approved. An immediate appropriation was made for its commencement. The number of works proposed to be erected, their position, their dimensions, and probable cost, have all repeatedly been before the public. The reports of the engineers, however, in all their details, although laid before Congress, have never been published. They appear to have been accessible to those, who are called upon to give the system legislative support; but it has been determined, that they contain much information, which ought not to be spread before the public at large. There can be no mystery with respect to the number and sites of public works, nor could the power of their armament long be concealed; but there are many other facts connected with a fortification, such as the most accessible points of approach, the nature and resources of the surrounding country, having relation to the attack and defence, which are ascertained only by such topographical

surveys and minute calculations, as men of professional skill and experience alone can make, and which would be invaluable to an enemy, that common prudence would withhold from publicity. From such parts of these reports as have been published, we are able to gather the main results. We cannot better present the full scope of them, than by giving the following extracts.

'A defensive system for the frontiers of the United States is therefore yet to be created; its bases are first, a navy; second, fortifications; third, interior communication by land and water; and fourth, a regular army and well organized militia; these means must all be combined so as to form a complete system.'

'The navy must, in the first place, be provided with proper establishments for construction and repair, harbors of rendezvous, stations and ports of refuge. It is only by taking into view the general character, as well as the details, of the whole frontier, that we can fix on the most advantageous points for receiving these naval depots, harbors of rendezvous, stations, and ports of refuge.'

'On these considerations, Burwell's Bay, in James river, and Charlestown, near Boston, have been especially recommended by the commission, as the most proper sites for the great naval arsenals of the South and of the North. Hampton Roads and Boston Roads as the chief rendezvous, and Narraganset bay as an indispensable accessary to Boston Roads.'

'It is also from an attentive consideration of the whole maritime frontier, of the interior, and of the coastwise navigation, that Mobile bay, on the gulf of Mexico, St. Mary's, in the Chesapeake, the Delaware, New York bay, Buzzard's bay, New London, Marblehead, Portsmouth, Portland, the mouths of the Kennebec and Penobscot, and Mount Desert bay, have been fixed upon as stations and ports of refuge; as necessary and essential to our merchant vessels as to our navy.'

'Smithville and Beaufort, North Carolina; Annapolis, Maryland; New Haven, Connecticut; Salem, in Massachusetts; and Wiscasset, have likewise been examined with attention, with a view to secure them from attack by sea and land.'

'St Mary's river and Savannah, in Georgia; Beaufort, Charleston, and Georgetown, in South Carolina, will be examined in the course of the year.'*

From these extracts it will appear, that the system is founded upon full surveys, and the most comprehensive considerations.

* Engineer Reports, presented to Congress in 1819, 1820, and 1821.

It is in the strictest sense a general and national system of defence; and the public may now feel an assurance, that all future expenditures will be applied in the most beneficial manner which science and experience can devise, in fulfilment of this system. The works are in a course of gradual completion, their progress being regulated by the resources of the country, and the necessity of a careful and proper execution. It is a season of peace, and there is no urgency for greater despatch than is compatible with these limitations.

By the documents whose title we have prefixed to this article, it is seen that the works proposed by the plan are divided into three classes, corresponding with their immediate and more remote importance. The works embraced in the first class, which are recommended to be commenced as soon as possible, and to be completed as fast as the resources of the country will admit, appear to be twelve in number; those of the second class, which are recommended not to be commenced until a later period, probably not until those of the first class are completed, are twenty in number; the third class embraces seven works, to be postponed to a still more remote period.* Some of the works embraced in the first class have already been finished, and others are in the progress of construction. They are intended to protect the principal seaports and avenues of the country; they constitute the cardinal points of defence, including Boston, Newport, New York, the river Delaware, the Chesapeake, Mobile, and the mouths of the Mississippi. Some works in North Carolina, by the decision of Congress, and not, it appears, by the recommendation of the board of engineers, belong to the same class.

The Delta of the Mississippi, being almost destitute of defence, and concentrating, as it were, the commercial interests of the numerous and populous states, which are watered by the wide spread arms of this mighty river, was among the earliest objects of attention. The work on Mobile point, forming a subsidiary part of the same defence, was of contemporaneous commencement. The importance of securing this extreme and vulnerable point of our Union, was suggested by every sound consideration, and not a little strengthened by recollections of

* In the Revised Report of the Board of Engineers in March last, a *fourth class* is proposed, 'containing such works as will be necessary only conditionally.'

the late war, when invasion approached that quarter with no fear of repulse, and when probably the genius of one man saved the Western country. These fortifications will protect New Orleans, and all the multitudinous interests connected with its safety, from similar invasions in future. Had such defences existed in 1814, it can hardly be doubted, that such an attempt would not have been made. Its weakness, combined with its importance, induced and encouraged the enterprise. We cannot pretend to state the expense attending the defence of that country at the time alluded to. Such a calculation would be imperfect, unless we could include in the estimate the lives which were lost on the occasion by sickness, as well as by the more ordinary cause of mortality in war. It is not improbable, however, that the mere pecuniary loss resulting to the country from this invasion, would have nearly defrayed the cost of the works, which are now erecting for the defence of the Mississippi.

It will be recollected that Congress decided against *one* of the works, proposed by the report of the board of engineers as a part of this defence. There may be an appearance of arrogance in doubting the wisdom of this decision, but we are inclined to believe, that, at some future time, the works on Dauphine Island will be resumed. It was never, we presume, regarded as an immediate defence of any channel or passage, and the depth of its surrounding waters was well ascertained. But in determining the facilities of attack and defence in the gulf of Mexico, the engineers could not have been unmindful, that, to leave a large and salubrious island, on a frontier affording no other insular position of that character, open to the occupation of an enemy, would be voluntarily relinquishing a *point d'appui*, whence a whole coast might be kept in a constant state of alarm; and whence expeditions might move with equal ease and promptitude, against any of its assailable points. The deleterious climate of the gulf of Mexico, when operating upon masses of men crowded in ships, is one of its best protections against an invasion of any duration. But leave a healthy and centrally situated island as a *place d'armes*, as a place of rest and refreshment for an invading force, and this safeguard is rendered almost nugatory.

The other works belonging to the first class, also claiming the earliest attention, were those which defend Hampton Roads, the Delaware, New York, and the harbor of Newport. The high importance of Hampton Roads, which, besides being the outlet of an extensive and valuable local commerce, are the central ren-

dezvous of our merchantmen and navy, has never been misunderstood; but, under systems of defence which did not look beyond the immediate protection of certain populous places, they have always been left open and free as the common highway of nations. During the late war, however, the advantage of having had a secure place of refuge, in this broad and excellent roadstead, were made too manifest, not to suggest greater precautions for the future. Its accessibleness at all seasons, and with the same wind which wafts a vessel into the mouth of the Chesapeake, combined with its central position upon the Atlantic coast, renders it now, and will render it through all future time, of great moment to the country. Throughout the late war, the enemy held undisturbed possession of these roads; thus excluding us from the best port of refuge which the country affords, where he could ride securely through all the vicissitudes of the seasons, and whence he could detach an armament, with the greatest facility, to annoy any part of the coast. The two works now under construction for their security will, in all probability, deter any enemy, however powerful, from attempting to pass through them; and after the additional interior works, proposed in the third class, are finished, the roads would be untenable even by those who might succeed in forcing the outer defences. One of these forts, which is built in the sea, cannot be besieged; and the other is capable of resisting any force, until relief could arrive.

The defences of the Delaware and of New York, which have in view the protection of two cities of great importance, need no comment. The propriety of arranging them under the first class, and of giving them the earliest attention, admits of no question.

The harbor of Newport, with its ample anchorage and easiness of access at most seasons, is second only to Hampton Roads, as a port of refuge and of rendezvous. Hampton Roads and Newport are the two points which an enemy would choose to seize upon, in order to carry on the most effectual war against us. Such a defence of them, therefore, as may render any enterprise against them hopeless, appears to be an indispensable part of a system of national defence.

The works proposed for the defence of Boston harbor, which enter into the first class, have not yet been commenced, unless it be so far as to secure the islands on which they are to be founded, from the encroachments of the sea. The fortifications already

there, although imperfect and misplaced, yet, assisted by the defensive character which nature has given to the harbor, afford a better protection than was possessed by any other place of equal importance.

Of the works proposed in the second class, some appear to be only subsidiary to those of the first class, intended to render them more effectual; others are of an independent character, such as those which are to be at the mouths of the Potomac and of the Patapsco, those on the coasts of Connecticut, Massachusetts, and Maine. These works, though secondary in importance, form essential parts of the general defence.

The system having been established on minute calculations, the armament required for each work, and the proper complement of troops to man them, both in peace and in war, have been accurately determined. The number of the latter has been fixed at rather less than five thousand men in time of peace, and not quite thirtyeight thousand in time of war. The garrisons, in time of peace, will doubtless always be formed of regular soldiers; but in time of war, a part of each will of course be supplied by the neighboring militia. It is the opinion of General Lallemand, 'that if half the number [of artillerists] in the field are old soldiers, it is enough;' and the remark would still hold good as to garrison service. These small and well disciplined garrisons will be centres around which the irregular force of the country may gather in a season of danger.

During the late war, the country being comparatively without defence by fortifications, the enemy was able to carry on against us, what Mr McLane very aptly termed, 'a war of threatenings;' that is, by keeping a disposable force at Hampton Roads, and at some other places within striking distance, he kept the whole country in a state of alarm, and immense bodies of militia constantly under arms. Whenever the present system of fortifications shall be completed, all the principal avenues to the country will be strongly guarded. The mass of the population may rest in quietness, until certain demonstrations indicate the point of attack. If this point prove to be any of the fortifications, the siege that must take place will afford ample time for adequate relief. Should more exposed quarters be the object, the force of the country may be directed thither, without any apprehension of danger to more important places, that may be left behind.

The estimated expense of completing the proposed system of

fortifications is about seventeen millions of dollars. It is not improbable, that the expense incurred on account of the militia during the late war, which such a system might have left undisturbed at home, may have nearly equalled this amount. But, if a proper condition of defence were not to be obtained short of even double that amount, a wise and prescient policy would not hesitate to make the appropriation, keeping always within the resources of the country. It is not likely that the most impregnable state of defence would at all times avert a war. But war nowadays is not waged without calculation. Caprice and passion have less influence over these great questions, so momentous to the human race, than formerly. A nation that appears able to defend itself is respected; its rights are not likely to be trampled upon. Hence it is not too much to say that the expenditure of fifteen or twenty millions upon fortifications may avert many wars, each of which might cost, like the last, a hundred millions.

In reviewing the legislation relating to the army, we purposely omitted all remarks upon the *Military Academy* at West Point, believing that a subject of so much interest as this favorite institution of the nation, demanded a separate and more enlarged consideration.

The importance and necessity of some seminary of this kind, where the candidate for a commission in the army passes through a course of preliminary instruction, have been acknowledged in all countries, where the military service has been guided by the scientific rules of war. They have long been established in France and in England, and the most distinguished warrior of this or any other age, as well as his fortunate conqueror, were both *élèves* of military schools.

Our fathers had had some practice in war previously to the Revolution, but they understood little of its science. The propriety, however, of establishing some school, at which the rudiments of an art, every day becoming more important to the cause at issue, could be early infused into the commissioned ranks of the army, did not escape their observation. In October, 1776, the continental Congress resolved that a committee should be appointed, 'to prepare and bring in a plan of a military academy, at the army.' It does not appear that any successful result followed this resolution. The bustle and trying exigencies of such a war as we were then waging, were not propitious to the commencement of institutions of this kind; besides, inferring from

the phrase, 'at the army,' that it was designed to connect it with the camp, we apprehend the intended plan could not have borne much similitude to more modern academies. An ambulatory academy does not accord with our received notions on this subject.

The next attempt to introduce any thing like science into our army appears to have been made in 1794, when, in forming the Corps of Artillerists and Engineers, the President was authorized to provide 'the necessary books, instruments, and apparatus, for the use and benefit of the said corps.' But as these articles were for the use only of officers already commissioned, and engaged in the active duties of their profession, they must have been intended rather as the auxiliaries of practice, than to establish a course of instruction. Indeed, as no point of concentration was fixed for them, such an application of them would have been impracticable.

In fixing the peace establishment in 1802, at the commencement of Mr Jefferson's administration, the engineers were separated from the artillerists, and formed into an independent corps, having attached to it *ten cadets*. The law further enacted, that the corps should be stationed at West Point, and constitute a military academy; that the principal engineer, and, in his absence, the next in rank, should have the superintendence of the said military academy, under the direction of the President of the United States;' and the secretary of war was authorized, under the President, 'to procure the necessary books, implements, and apparatus, for the use of the said institution.'

By the same act, two cadets were allowed to each of the twenty companies of artillery retained on the peace establishment; and although no provision appears for attaching these cadets to the Military Academy, yet, it is believed that such of them as were appointed, were sent for instruction to that institution. This is the more probable, as, while the law continued the same, many graduates were appointed to the artillery, and some even to the infantry.

The institution continued under these inadequate provisions, with the exception of the appointment in 1803 of a teacher of French and another of Drawing, until 1812. About ninety cadets had been graduated and commissioned previously to this time. Among these are to be recognised many officers, who were conspicuous during the late war for their skill and gallantry, and who fell honorably in the field of battle, or still live in the service of their country.

In 1812, just before the declaration of war, the corps of engineers was somewhat enlarged; the Military Academy was at the same time greatly augmented, and much improved in its organization.* The academy was still made to embrace the corps of engineers; and at the same time received, in addition to the teachers of French and of Drawing, a Professor of Natural and Experimental Philosophy, a Professor of Mathematics, and a Professor of Engineering, who were to be taken from the corps of engineers, or not, at the discretion of the President. The number of cadets for the different corps of artillery, cavalry, riflemen, and infantry, was limited to two hundred and fifty, which, joined to the ten cadets allowed to the corps of engineers by the law of 1802, made the full complement two hundred and sixty.† As this law of 1812 is the basis upon which the academy now stands, we shall quote a few of its leading provisions.

'The said corps [of cadets] shall be trained and taught all the duties of a private, noncommissioned officer, and officer; be encamped at least three months of each year, and taught all the duties incident to a regular camp; that the candidates for cadets be not under the age of fourteen, nor above the age of twentyone years; that each cadet, previously to his appointment by the President of the United States, shall be well versed in reading, writing, and arithmetic, and that he shall sign articles, with the consent of his parent or guardian, by which he shall engage to serve four years, unless sooner discharged;' 'that when any cadet shall receive a regular degree from the academical staff, after going through all the classes, he shall be considered among the candidates for a commission in any corps, according to the duties he may be judged competent to perform.'

In 1818, a chaplain was added to the academy, who was likewise to be Professor of Geography, History, and Ethics.

The foregoing are the main provisions relating to the Military Academy which we gather from the volume of laws before us. They do not descend to the minutiæ of interior arrangement, and of course leave much to be done by those, who have the management of the institution. Such an establishment, upon an extended scale, was a new thing in this country, and we were

* Law of Congress, April 29, 1812.

† As we have now only three corps, in service, namely, of engineers, artillery, and infantry, all the graduates are commissioned in those corps.

either ignorant of the highly improved models of other countries, or did not choose to adopt their improvements. For four or five years after the law of 1812, and after the number of the cadets had been much increased, there appears to have been no established regulations as to the time of admission, or the length of the term of instruction.

In 1817, or the year following, many improvements were introduced; and the academy assumed that interior arrangement, as to classification, discipline, division of studies, &c. which has since given it such a high character for utility, and made admission into it a matter of competition throughout the United States. The time of entrance became fixed, as well as the term of instruction, and each candidate was required to pass through, not only an initial examination, but a probation of six months (at the end of which he is subjected to a second examination), before he could be entitled to receive a warrant. In the law requiring that each cadet should engage to serve for five years, four of these years were allotted to the term of instruction at the academy; and the whole number of cadets being divided into four classes, one class was to be admitted each year, to fill the place of the graduated class. Regulations were likewise established, determining the nature of the studies and the mode of instruction; each year receiving such allotment as best suited the classification, and the scale of improvement. Another regulation was likewise adopted, perhaps in a subsequent year, which has tended to make known more widely the merits of the institution, and has given the examinations a public and national character, greatly enhancing the value of the honors awarded. We allude to the *Board of Visiters*, constituted of 'a number of gentlemen, not less than five, distinguished for military and other sciences,' who are selected by the secretary of war, and who attend, at West Point, each annual examination. As the documents, which we have quoted, contain an able report from the board of visiters, who attended the examination of 1825, we shall avail ourselves of its interesting details, to present a brief view of the system of instruction pursued there, the results of which were so satisfactorily exhibited before them.

Following the order observed in the report, the first branch of study noticed is *Engineering*, in its two branches, military and civil. The highest commendation is bestowed by the board upon the proficiency evinced in these branches. When it is recollected, that the primary object of the institution was, and

probably still is, to make accomplished engineers, such high attainments in these respects furnish evidence that its first purposes are fulfilled. As we have now begun an extensive system of national defence, upon the proper accomplishment of which depends the economical expenditure of millions, and the future security of the country, it is all important that the best skill should be possessed by those, to whose charge the work is necessarily confided. But the demand for talent is not confined to military engineering only; the spirit of internal improvement, which is now awakening our whole country to enterprise, opens also a scope for civil engineering, whose limits it would be difficult to define. The large and complicated operations, which must result from this new era of opinion and resources, will require a range of science, which even this institution is not likely to surpass.

The next branch of study mentioned in the report is *Mineralogy*. This, however, appears to have been but recently introduced, and not as yet to have been pursued with much advantage. It is only a subordinate branch of the professorship of chemistry, and is without any public cabinet of minerals. The report most justly remarks, that mineralogy, connected with geology, is of great practical importance to the corps of engineers. Indeed, we should suppose that an acquaintance with these two sciences would more frequently enter into the operations of both the military and civil engineer, than that of chemistry, though all three are of unquestionable importance. We hope the recommendation of the board, with respect to the establishment of a cabinet of minerals, will meet with attention. Such a deficiency in that study defeats all useful purposes as much as if the chemist were without his crucibles and retorts. The law would seem to warrant the 'providing' of any such essential 'apparatus.'

The next branch embraces *Geography*, *History*, and *Ethics*. As these studies are all annexed to the office of chaplain, the incumbents of which had been changed during the year, no examinations were submitted to the board. It does not appear that these studies are largely attended to at any time. They form essential elements of a well instructed mind; so does literature in general; but as they are acquirements which can be made at all times and in all places, unassisted by professors and teachers, they can claim only subordinate attention at an institution, intended more particularly for those severe sciences and difficult arts, which are seldom compassed by unaided exertions.

We have not space to follow up the remarks of the board upon the departments of *Natural Philosophy* and *Chemistry*. It is well known that they are confided to professors of high reputation.

Drawing also forms an essential part of the instruction at West Point. Where natural aptitude assists the teacher, the greatest proficiency may be expected from the opportunity there afforded to the cadets for improvement in this art. The topography of our country is yet in its infancy, and there will long be abundant employment for this talent.

Of the branch of *Mathematics* the board remarks, that 'the condition of this department leaves nothing to desire.' This is bountiful praise, but no more, we presume, than is deserved. The rare degree of excellence attained by many of the graduates, in all the ramifications of this study, has been frequently attested by the most competent judges. It has, we have understood, been the opinion of some judicious men, that mathematics have occupied too much of the attention of the cadets, to the exclusion of studies of more practical importance. This question may be best settled by bringing into consideration the main objects of the institution. The primary object, as we have before observed, is to make accomplished engineers, and likewise to diffuse through all the departments of our military establishment those sciences, which are necessary to its efficiency and proper administration. If the mathematical proficiency, to which the cadets are urged, be greater than is required to fulfil these purposes, then the surplus time might be better appropriated. But this may well be questioned. The reach of science demanded by our engineering operations, both military and civil, for ascertaining boundaries, and making surveys, cannot easily be circumscribed. In the Polytechnic school in France, the cadets, being designated at their entrance for a particular branch, were instructed accordingly. But this is not the case at West Point, and any such distinction of studies there, would carry an invidious discrimination with it, that might operate very unfavorably upon the spirit of competition, which now pervades the whole body. This preliminary designation, while it offers some advantages, has many objections, which probably has prevented its introduction at West Point. The bent and power of the mind cannot easily be ascertained beforehand; a course of study alone brings them out; particularly the latter. Under the French rule, the range of selection is limited, and talents may often be misdi-

rected and lost. At West Point, on the contrary, the field of emulation is open to all; the designation does not take place until after a full developement of the various capacities and tastes of the students; and the best genius, and the most successful application, are thus likely to receive those appointments which are deemed the most honorable, and for which these prerequisites render them the most fit.

The *French language* is taught at the academy, and made, as it ought to be, an essential branch of instruction. Much weight should be given to the reasons advanced by the board, in favor of adding an assistant teacher to this department, who should be acquainted with the Latin and Spanish languages. If there are those in any of the classes, whose greater proficiency in all the prescribed studies leaves them leisure for attention to these additional studies, thereby preserving a previous knowledge of the Latin, and acquiring a new language which prevails over more than half our hemisphere, we should hope that the trifling increase of expense it might cause would be no obstacle.

Of the *Military instruction* at the academy, the board speaks in terms of high commendation. This embraces 'the system of infantry tactics established for the army of the United States, commencing with the elementary drill of the soldier, and including the school of the company; school of battalion, and evolutions of the line; the exercise and manœuvres of light infantry and riflemen; the duties in camp and garrison, of privates, non-commissioned officers, and officers, including those of guard and police.' * All those who have seen the military exercises of the battalion of cadets, will bear testimony that this regulation is well fulfilled. It is scarcely possible for any troops to attain the power of manœuvring with greater precision. The course of *Artillery instruction* embraces the 'nomenclature of the different parts of cannon, gun carriages, caissons, and their implements; exercise and manœuvres of field artillery; exercise of siege artillery, including the mortar and howitzer exercises; mechanical manœuvres; target practice with the gun, howitzer, and mortar; duties of the laboratory.'

We have not room for further enlargement upon this interesting subject. The institution has acquired a wide and honorable reputation, and is deservedly in favor both with the people and

* Regulations of the United States Military Academy at West Point.

the government. We shall finish with an extract from the report of the board, that gives some of the causes, that have produced this high character.

'The duty of the board of visiters, as prescribed by the fourteenth paragraph of the regulations of the academy, has seemed to demand of them some inquiry into the general system of means, by which the honorable and gratifying results, disclosed in the examination, have been attained.

'Much, no doubt, is to be ascribed to circumstances, in a high degree peculiar to this institution; its immediate connexion with the Government of the United States; the moral influence which this connexion imparts to the officers of instruction; the natural situation of the academy on a spot extremely favorable to its purposes; and the national spirit and character which pervade the institution. While, however, their due influence is ascribed to these causes, the board feel obliged to attribute the extensive acquisitions of the cadets to the skill and fidelity of the teachers, and to the judicious mode in which the classes are divided for instruction. As it would be impossible, on account of numbers, to teach a whole class collectively, each of the four classes is divided into convenient sections, according to the talents, previous acquirements, and ambition of the cadets. Whenever justice requires it, cadets are transferred from one section to another, and continual application is thus necessary, to maintain a distinguished character and place.

'To perfect the system of generous competition, the cadets, after each semiannual examination, are arranged on the roll, and take their seats, according to merit. In doing this, general conduct is considered, as well as progress in knowledge, so that every one, who aspires to distinction, is led to be vigilant over his daily deportment. It is also the custom each week to make a report of the best and the most deficient, in each section, and this report is transmitted to the Department of War. If, after a semiannual examination, any are found grossly deficient, they are turned back, to go over their courses again; and if, at the next examination, they are still found wanting, they are dismissed from the institution. Great justice and impartiality are exercised, as far as the board could judge, in making out the Roll of Merit. The rank assigned to each cadet is the result of a trial publicly conducted, and the greatest publicity is given to this result, by printing and distributing the roll of cadets arranged according to merit. The influence of such a system, in exciting to honorable exertion, needs not to be enforced. The board are therefore of opinion, that the system of dividing into sections, according to

the relative capacity of the members of the classes, is practically excellent, and worthy of being carefully and vigorously maintained; and that public gratitude is due to the Superintendent of the academy, and to the Academic Staff, for having introduced so powerful, yet so simple an instrument of emulation and discipline, which requires only to be better known, in order to be universally adopted in our establishments for education.' *

We have thus passed in rapid review the history of our army; our present system of fortifications; and the Military Academy at West Point. They are essentially connected and form parts of the same whole. Our national defences are no longer regarded with the prejudiced feelings of past days; they are not now looked upon as the creations of particular administrations or parties, arising out of a temporary policy, which is expected to change with the change of power; but as a settled system, founded on a true estimation of the permanent security and welfare of the country. It was said on the floor of Congress by an eminent member, 'that the system of national defence was as much an institution of the country, as the constitution itself.' It is no doubt true, that a proper and necessary degree of defence, as justly and imperiously demands the support of every patriot, as any other institution of the country. And there are at present few intelligent persons, who, whatever may be their wishes or hopes, can persuade themselves, that a nation, being in any degree tangible by its position or external relations, can maintain its interests, its honor, or its rights, without a proper system of general defence, or frequent wars.

Our present army is divided into artillery and infantry, and assigned for the protection of the maritime and interior frontier.

* The whole number of cadets who have been graduated at the Military Academy since its first establishment in 1802, up to July, 1825, is 428, of whom 338 have been graduated since 1812. Of the whole number, 261 are now in the army, forming more than half the number of its officers; 3 are in the civil service; 9 have been killed in battle; and 33 have died in service;—45 of the whole number have been attached to the corps of engineers; 249 to the artillery and ordnance; and 134 to other corps.

The public library at West Point contains about four thousand volumes, embracing the most approved works, both in French and in English, on fortifications, artillery, pyrotechny, the military art, military history, memoirs, campaigns, civil engineering, mathematics, natural history, astronomy, navigation, chemistry, mineralogy, the arts, geography, topography, history, biography, travels, miscellanies.

The artillery is necessarily broken into small detachments, corresponding with the number of fortifications. But it is the nature of that branch to act in detachments; and there can be no obstacle to its acquiring the utmost skill requisite in garrison service; and it will rarely be called upon to perform any other. Should the approach of war render it probable, that portions of it might be wanted in the field as light artillery, a few months' drill with horses would superadd the qualifications of that species of service, and give adequate efficiency for active operations.*

The infantry, from the different nature of its service, can be, and is, more concentrated. The Indians are held in check better by a few large bodies, than by many detachments. The policy of Mr Calhoun, in advancing far within the Indian country our cordon of posts, has been approved by experience; and had his scheme been carried more fully into effect, the only Indian conflict we have since had, would probably have been avoided.

The time has past in the United States, when any just fears are entertained of such a standing army, as may be required by the present system of general defence. It is a gratuitous assumption, that the officers of the army are less identified with the country, have less interest in its institutions, and are less desirous of maintaining them, than any other class of citizens. The military establishments of most countries form an appendage of the crown; and even in England, where they might be supposed to have a somewhat more popular character, foreign and colonial stations give the officers a peculiarity of feeling, which separates them in a degree from their fellow countrymen. But in our country, on the contrary, the army is dependant upon the people, and is mingled with them; it participates in the same habits, imbibes the same sentiments, and regards itself in every respect as a part of the great community.

* An artillery school of practice was established about two years ago at Fortress Monroe, Old Point Comfort, Virginia, for the purpose of practically instructing the four regiments of artillery, successively, through a course of two years, in all the duties belonging to that branch. Like most of Mr Calhoun's plans, this had great utility in view. But there was not sufficient attention paid to preliminary details. The local situation of the school was ill chosen, or, at least, occupied too soon. It has resulted in a double interference; the school interfering with the progress of the fortifications, and the progress of the fortifications interfering with the school.

ART. II.—*Memoirs of the Historical Society of Pennsylvania.* 8vo. pp. 228. Philadelphia. McCarty & Davis.

It was said by Lord Bacon, that 'nothing is so seldom found among the writings of men, as true and perfect civil history.' This remark is as pertinent at the present day, as it was in the time of Bacon. There would seem to have been no essential improvements on the models of the ancients, in the art of writing history, and Herodotus may still be cited as standing at the head of the first rank of historians, as Homer of the poets, and Demosthenes of the orators. The voice of ages has been as unanimous in favor of the one as the others, notwithstanding the discourteous criticisms of Plutarch on the writings of Herodotus.

To inquire into the reasons, why historical compositions have not been improved by the moderns, would lead us away from our present purpose. It is enough to admit the fact, and assent to the truth of Bacon's proposition. In this respect history stands on the same footing, as poetry and eloquence, architecture and sculpture. Lucian tells of a certain historian of Corinth, who began his work by a formal argument to prove, that none but a wise man should attempt to write history. Were all historians to set out with this position, and gravely apply themselves to establish its truth, we should probably meet with fewer unsuccessful invocations of the historic muse, unless, like the same Corinthian author, each should think his own case sufficiently clear without proof. In his rules for an accomplished historian, Lucian mentions what he calls two grand qualifications, namely, a genius for political investigation, and a command of language, or a power of describing his thoughts with force and accuracy. The first, says Lucian, is a gift of nature, and a thing not to be taught. The second can be acquired by industry and emulation, by study and practice. The great historians have possessed both these qualifications. Their patience and labor have been equal to their genius. Herodotus spent years in travelling, observing, conversing with men of different nations, and polishing his compositions, before he ventured to submit his work to the critical ears of a Grecian audience. Froissart was a travelling chronicler, and he holds the first place in the department of history, which he cultivated. In short, a man without talents or industry may compose a wretched history, as he may be a dull

orator or poet. Genius in either case is a feeble flame, unless cherished by severe mental application; and industry will plod in vain, when not quickened by some portion of the celestial fire.

Sometimes the historian fails, on account of his subject; at other times, for the want of materials. It is not in the power of the greatest mind to make that dignified and interesting, which in its nature is low and unattractive. The first step to be taken by a historian, therefore, is to exercise his judgment in selecting a subject, which will not cause him to run the hazard of wasting his powers in developing and recording events, that have nothing in them to command the admiration, or awaken the sympathy of mankind. Next come the materials of history, and in no part of his task are the resolution, the patience, the ardor of the historian, more seriously tried than in collecting these. Some writers have avoided this burden of research, and proved themselves to be politicians, rather than historians. Xenophon related his own adventures, and Hume worked upon the stock of others. Herodotus, on the contrary, sought out the very fountain heads of knowledge with untiring diligence; and Gibbon delved deeply and laboriously in the unproductive mines of the literature of the dark ages.

In applying these hints to our own country, we perceive no reason, why historical compositions of the highest order may not be written among us. There is no appalling deficiency of any one requisite, either in regard to writers, subjects, or materials. As to the first, to be sure, the best proof is a successful experiment; and, if occasion required, we should not despair of establishing this proof with some degree of triumph, even from the present list of American historians; although we confess, that no work approaching to the character of a complete history of America, or of the United States, or of the American Revolution, has yet appeared. Of the single states we have some respectable histories, rather of the narrative than the philosophical kind; telling much of events, but little of causes and consequences; describing the visible motions of the political machine, but hardly acquainting us with the springs that actuated it, or the mass it moved. These are valuable chiefly as materials, and indexes to materials, for future use, in composing a perfect colonial history. In glancing over this subject, however, nothing is more obvious, than the scattered and loose condition of all materials for history in the United States. So many dis-

tinct governments existed in this country, from the time of its first settlement, that the records of events were not only very much multiplied, but widely diffused. In some cases they were never well preserved in the public offices, and at the Revolution there was a universal confusion. Important papers belonging to individuals were subject to similar accidents. Since that time many have been lost, and those which remain will gradually suffer the same fate, unless some special means shall be used to collect and preserve them.

To effect this end no better plan could be adopted, than that of societies in the several states expressly established for the purpose. Some of these societies have already been efficient and eminently serviceable. Twentyone volumes have been given to the public by the Massachusetts Historical Society, and one volume at least is annually published. By the New York Society three volumes have been printed, and we understand that a fourth may soon be expected from the press, comprising a second volume of Smith's History of New York, left by the author in manuscript. The library of this Society is valuable, and is well supplied with books on American history. It must not be concealed, however, that the objects of the Society do not seem to have been prosecuted recently with the same ardor and success, as at the beginning. The New Hampshire Society has begun to publish its collections, and a good deal is to be expected from that quarter. There is a Historical Society in Connecticut, but we do not learn that the public has as yet been favored with its contributions. We hope that gentlemen of leisure and inquiry in other states will shortly follow these examples, so honorable, and so well calculated to rescue from oblivion the memorials of the lofty spirit, the brave deeds, and the enduring fortitude of our fathers, who settled and subdued the land of our inheritance, and planted the seeds of liberty from which we are now enjoying an abundant and grateful harvest.

A new Society has been formed in Pennsylvania, with the design of collecting materials illustrating the history of that state; and in the volume before us, we have the first fruits of its labors. The specific objects of this Society, as set forth in the president's inaugural address, are comprehensive and important. These are stated to be the national origin and domestic habits of the first settlers of Pennsylvania; biography of William Penn, his family, and other settlers; biographical notices of eminent persons in modern times; aborigines of America; principles

to which is to be ascribed the rapid peopling of Pennsylvania; general polity, revenues, and expenses of the colonial government; judicial history; medical history; literary history; agriculture, manufactures, and commerce. It is thus seen that the Society has given itself a great latitude of research, and that the zeal of its members need not flag for the want of suitable incitements. A separate committee, consisting of several gentlemen, is appointed for the investigation of each of these topics. Eleven years ago a committee of the American Philosophical Society of Philadelphia was formed, expressly for literary and historical purposes, and why it has been deemed necessary to create a new society for the same objects, and in the same place, we know not, nor do we think it a matter of any consequence, provided the activity and usefulness of both will be promoted by such an arrangemeut. It is to be feared, however, that by this division of forces the strength of the whole body will be weakened. There can be no question, in short, that much the greatest results would be produced by a union of the zeal and exertions of all parties. That no one can be associated with the Historical Committee, who is not a member of the Philosophical Society, is a very serious bar to the usefulness of that committee, and unless this obstacle could be removed, by some more liberal conditions of membership, the reasons perhaps were sufficiently cogent for setting up a new association on a broader basis. It is not to be supposed, that the persons most ardent in antiquarian and historical research, will always be the best qualified to belong to a philosophical society. Yet we think the president's language a little too strong, when he says in his inaugural discourse, speaking of the Committee, that 'the public looks on them with indifference.' To judge by the silence which they have maintained, since the publication of their first volume, seven years ago, it may be inferred rather that they are indifferent to the public, than that the public is indifferent to them. Another volume is understood to be in preparation, if not now ready for the press.

Besides the inaugural discourse of Mr Rawle, president of the society, the volume now under notice contains a memoir by Roberts Vaux, on the locality of the famous treaty between William Penn and the Indians; notes on the provincial literature of Pennsylvania, by Thomas I. Wharton; and a memoir on the controversy between William Penn and Lord Baltimore, respecting the boundaries of Pennsylvania and Maryland, by James

Dunlop. These are all judicious tracts, and throw as much light as could be expected or desired on the points of history, which their authors attempt to discuss.

Among other things Mr Rawle goes into an elaborate argument, to prove the rights of the aborigines to the soil of this country, and to show that these rights were as valid, and gave the Indians as strong claims, as in a more advanced stage of civilization. On this topic we do not fully agree with him, believing his reasoning to be more refined than practical. It is true in general, that what is right in one sense is so in another; but there are such things as conditional rights, and we apprehend this case of the Indians to be one of that description. 'A right to the soil depends on the mode by which possession was acquired,' says Mr Rawle; 'it is only by military conquest, or voluntary cession that the rights of the original occupants are divested.' Now in our view there is a previous question to be disposed of. What was the nature of the right by which the Indians held possession? Was it the right of occupancy? Doubtless it was, as far as the European settlers were concerned, for no other proof of right could be exhibited by the Indians; nor would any other be required to make the right unconditional and indisputable, in all cases where the inhabitants bore any proportion to the quantity of land they claimed. But to argue seriously, that a handful of savage people has a right to retain exclusive possession of as much land as it can wander over, during the four seasons of the year, in pursuit of game, and reject all other people from this domain, is carrying the metaphysical side of the question a little too far. Mr Rawle goes back to Adam, and says that to him was given 'dominion over the earth,' and adds, that 'dominion thus became a quality incident to rational existence.' Take this for granted, the question then occurs, How much dominion? Every human being undoubtedly has a natural right to soil enough to procure his subsistence, but here his natural right ends. If he possesses more, it must be by some conventional or conditional right. The laws of nations have recognised the rights of conquest and purchase, the first chiefly from necessity, and the second from convenience. Hobbes believed the foundation of right to be in the superiority of strength, Puffendorf in that of excellence. But take it as you will, the dimensions of the Indian rights become very scanty. As to the dubious right of conquest, we know not enough of their history to say anything on the subject; they made no pre-

tensions to purchase; they were few in numbers and comparatively feeble in strength; and for mental or moral excellence they were not distinguished.

Where then is the validity, or sacredness of the Indian rights, which rendered it unlawful for the inhabitants of other regions to settle in the wilderness, which the Indians did nothing to subdue, or to draw nourishment and riches from the soil, which they left desolate and barren? Did the first Indian, who stepped upon the western continent, actually possess in fee simple one half of the globe, and had he a *right* to exclude all the rest of the world from his hemisphere, if such were his will and pleasure? Was this 'dominion incident to his rational existence?' It is presumed not. Had another man arrived a month later, he would have been as legitimate and substantial a proprietor of the hemisphere, as the first settler. The same may be said of ten, or twenty, or a hundred. The reason is, that as yet they possessed nothing by a conventional right, and no individual by his natural right could claim more than was sufficient for himself, and those immediately dependant upon him. As the people multiplied, and property increased, conventional rights grew up with the advancement of society, existing in different degrees according to the progress of civilization, and the recognised rules of social and civil order. When the Europeans came first to these shores, had the native population been dense, the country covered with villages and cultivated fields, the streams and bays filled with commerce, had manufactures and the arts flourished, and had an immensely increased value been given to the soil by the labor and skill of men, there would then have been in the condition of the people all the constituent qualities of a perfect right, whether regarded as the right of nature, superior strength, excellence, or purchase. Encroachments then would have been unlawful, because civilization had stamped the mark of property on every foot of land, and every other desirable object of possession.

But the case, as it stood with the Indians, was as different from this as possible. They were found here in the midst of a wide wilderness, scattered over a vast tract of country, savage in their habits and manners, paying no attention to agriculture or any of the arts of civilized life, roaming from place to place, and exhausting their whole powers of mind and body in gaining a precarious subsistence by the chase, and waging bloody wars with each other. To all appearance they had been here for centu-

ries, without advancing a single step in the road of human improvement. This applies we believe with strict accuracy to all the Indian tribes north of Mexico. Now to suppose that such a people had a right to this whole continent, or to any large portion of it, by which they might justly and forcibly exclude foreigners, who were peaceably seeking an abode in some corner of the same wilderness, is in our view to misapprehend the true nature of aboriginal rights, and to overlook the wise and beneficent designs of Providence, as seen in the progress of human affairs, and the government of the world.

Thus far we have been speaking of right; but when we come to the facts of history we shall not differ from Mr Rawle and others, whose warmth of sympathy in the cause of the Indians has been such, as the melancholy fate of that unhappy race is calculated to kindle. It would be in vain to attempt to justify the first settlers in many of their acts. If they had a right to a quiet occupancy of the soil, they had no right to wage unprovoked war against the natives, to drive them back, and seize the lands which they valued as being the dwelling place of their fathers, and on which the council fires had been lighted up for ages. The power of association, their reverence for tradition, as well as local causes, had chained them to spots from which they ought not wantonly to have been driven. Even the pilgrims at Plymouth landed in a hostile attitude under their military leader, Miles Standish. The first settlers seemed to have a contempt for the Indians, and to regard and treat them as possessing but few of the attributes of human beings. The Indians perceived this. They knew, moreover, that the whites practised deceptions upon them, overreaching and defrauding them whenever they could. They felt the indignity and injury, and it was natural that they should show resentment and seek revenge. Then followed fightings and bloodshed, with all the horrors and cruelties incident to savage warfare. Nine times in ten, we are convinced, these calamities were the direct consequences of the fanaticism, indiscretion, ignorance, or cupidity of the whites. A particle of wisdom, or of a knowledge of the savage character, with another particle of honesty, would have prevented the destructive wars, which at last nearly exterminated the red men, and for many years essentially retarded the prosperity of the whites. When we look back upon these scenes of our early history, and survey the picture they present, however much we may be shocked at the glaring atrocities of the barbarous natives,

we can find no apology for their intruding neighbors, who provoked these atrocities, and whose duty and policy it was rather to conciliate and soothe, than stir up and inflame the wild passions of uncivilized men. They drove the Indian to his ruin, but they nerved his arm with revenge, and brought a blow down upon their own heads, from the deep effects of which they did not soon recover.

It is consolatory, however, in running over these dark records in the annals of our forefathers, to light upon some brighter spots, which show their character to better advantage. The fame of William Penn has derived much lustre from his friendly, peaceful, and honorable mode of treating the Indians, in making all his acquisitions by fair purchase. The praise of this conduct has perhaps been too generally considered as exclusively his. A most valuable part of Mr Rawle's discourse is that, in which he examines the early history of the colonies, with direct reference to this subject. It appears that in all the colonies, from the time of their first settlement, purchases of lands from the Indians were frequently made. Belknap speaks of purchases at Plymouth, and as early as 1629, a company of persons from Massachusetts purchased of the Sagamore of Penacook, and other chiefs assembled at Squamscot falls, a tract of land, for which a regular deed of conveyance was obtained, 'with the universal consent of their subjects, for what they deemed a valuable consideration in shirts, coats, and kettles.'* Morton says, that the lands at Plymouth were a donation to the first settlers by Massasoiet, king of the country. Purchases were afterwards made from him, but by the following passage, quoted by Mr Rawle from Hutchinson, it would appear that the terms were not always unexceptionable. In speaking of king Philip, it is observed by Hutchinson, that 'although his father had at one time or other conveyed to the English all that they were possessed of, yet Philip had sense enough to distinguish between a free, voluntary covenant, and one made under duress.' And afterwards the general court of Massachusetts urged a claim to the Pequot country by right of conquest.

Several purchases were made in Connecticut, particularly of the Pequots by Lord Say and Seal, and of others by John Mason. We cannot forbear in this place to quote Mr Rawle's short description of the brave and lofty spirited Pequots. We think it discriminating and just.

* Belknap's New Hampshire, Vol. I. p. 11.

'The Pequots were a highminded race; the only nation which, in that part of the world, had refused to pay tribute to the imperial Mohawks; they knew and valued their own rights, they foresaw the ruin that impended on their national existence by the introduction of a superior class of beings, armed with destructive weapons, and eager to use them. The praises due to patriotism and courage, the admiration we bestow upon ancient nations, who hazarded everything in defence of their rights, their liberties, and their soil, should not be withheld from the Pequots. Like the Carthaginians, they have no historians of their own. We take their history, and our impressions of their character, from the pens of their enemies, their oppressors and ultimate destroyers. If we find them soon afterwards engaged in a severe and bloody war with the English, we are not thence to infer, that the Pequots were the aggressors.' p. 60.

It has been the fate of all the tribes to be like the Carthaginians, in having their history written by their enemies. Could they now come up from their graves, and tell the tale of their own wrongs, reveal their motives, and describe their actions, Indian history would put on a different garb from the one it now wears, and the voice of justice would cry much louder in their behalf than it has yet done.

In pursuing his inquiry into the origin of titles to Indian lands, Mr Rawle finds that the same amicable and equitable mode of purchase was adopted by the Dutch in New Netherlands, and by others to a certain extent in New Jersey, and on the Delaware river; and particularly by the Swedes on the western bank of that river in 1637. In Virginia, the Carolinas, and Georgia, there is ample testimony of titles having been acquired by purchase. The result of Mr Rawle's inquiries, in relation to this subject, is on the whole more favorable to the whites, than has commonly been supposed. Whatever aggressions may have been committed by them, and it is well known that these were neither few nor small, the proofs are incontestible, that numerous purchases were made in a peaceable manner before the time of Penn. And this may be said, without detracting anything from the high and just praise due to that distinguished philanthropist and legislator.

In Mr Vaux's memoir, respecting the place in which the famous treaty between William Penn and the natives was ratified, he establishes the common opinion, by arguments as strong perhaps as the nature of the case will admit, that it was on the bank of the

Delaware in Kensington, the northern suburbs of the present city of Philadelphia, under a large tree, which was to be seen there till 1810, when it was uprooted by a storm. A vague notion has gone abroad, that this treaty was formed farther down the river, at the Uplands, the present site of Chester. Other places have claimed this distinction, as did the Grecian cities the honor of being the birthplace of Homer, but the testimony is in favor of the great elm tree in Kensington. The following extract from a letter on this subject, by the venerable Richard Peters, dated September 6, 1825, will be read with interest.

'It appears that the seat of Penn's government was first established at Upland, or Chester; where several of his letters are dated. Now I have always understood that Talks with the Indians, preparatory to a final arrangement by a conclusive treaty, were held at Upland, or Chester. But it is almost indisputably probable, if general tradition did not confirm the fact, that William Penn chose to hold this treaty beyond the reach of any jealousy about the neighborhood of fortified places, and within the lines of his province, far from such places; and at a spot which had been an Indian settlement, familiar to, and esteemed by, the natives; and where neither Swedes nor Dutch could be supposed to have influence; for with them the Indians had bickerings. This view of the subject gives the strongest confirmation to the tradition of the treaty being held at Kensington; and the tree, so much hallowed, afforded its shade to the parties in that important transaction. The prudent and necessary conferences, or talks, preparatory to the treaty; if any vestiges of them now remain, may have given the idea that the treaty was held at Upland.

The name and character of William Penn, denominated by the Indians, Onas, was held in veneration, through a long period, by those who had opportunities of knowing the integrity of his dealings and intercourse, especially by the Six Nations, who considered themselves the masters of all the nations and tribes with whom he had dealings in his time, and his successors thereafter who adhered to the policy and justice practised by him. At Fort Stanwix, fiftyseven years ago, I was present when the Delawares and Shawanese were released by the Iroquois, or Six Nations, (originally five,) from the subordination in which they had been held from the time of their having been conquered. The ceremony was called "taking off the petticoat," and was a curious spectacle. When I was adopted into the family of a Tuscarora chief, at the time of the treaty of Fort Stanwix, he made to me a speech, in the style used on such occasions, in which he assured

me of his affection, and added, that he was pleased with my being "*one of the young people of the country of the much respected and highly esteemed Onas*," which means a *quill* or *pen*. He gave to me one of his names—*Tegochtias*. He had been a celebrated warrior, and had distinguished himself on expeditions, toilsome and dangerous, against the southern Indians. The feathers, and desiccated or preserved birds, called by the Indians *Tegochtias*, i. e. *Paroquets*, were brought home by the war parties, as *Trophies*. The feathers decorated the *Moccasins* (whereof I had a pair presented to me), mixed with porcupine's quills in beautifully ornamented workmanship. If there be any thing in my Indian name of *Paroquet*, ludicrous in our estimation, I shall not be ashamed of it, when the great and good Penn, was denominated, not a whole bird, but merely a *quill*. My *moccasins* cost me an expensive return, in a present the ceremony required; but I considered the singular *honor* conferred on me, richly deserving remuneration; though, in fact, I was more diverted than proud in the enjoyment of the amusing and curious scene, and had no doubt but that this expected remuneration was an ingredient in the motive leading to my adoption. *My* nation is reduced, as is all that confederacy, to a mere squad, if not entirely annihilated; though at that time it (the confederacy) could bring three thousand warriors into the field.' pp. 89—92.

Mr Wharton's Notes on the literature of Pennsylvania contain curious facts, concerning the early history of that colony, which we recommend to our readers. It will be recollected, that this was the theatre of Franklin's labors as a printer, and the place where the foundation of his great fame as a writer was laid. In connexion with his main subject, Mr Wharton has glanced occasionally at the literary condition of other colonies. He has drawn our attention to a remarkable letter of William Berkeley, governor of Virginia, to the Committee of the colonies in England, written in the year 1671, more than sixty years after the first settlement of the colony. The state of learning at that time in Virginia will be understood, by the closing paragraph of his letter. 'The same course is taken here,' he observes, 'for instructing the people, as there is in England. Out of towns every man instructs his own children according to his ability. We have fortyeight parishes, and our ministers are well paid, and by my consent should be better, if they would pray oftener and preach less; but as of all other commodities, so of this, the worst are sent us, and we have few that we can boast of, since

the persecution in Cromwell's tyranny drove divers worthy men hither. Yet I thank God there are no free schools, nor printing. For learning has brought disobedience, and heresy, and sects, into the world, and printing has divulged them and libels against the best government. God keep us from both.'* This extraordinary doctrine was uttered by a governor of one of the most powerful provinces in America, towards the close of the seventeenth century. Happily it accorded in nothing with the spirit of Penn, or of the descendants of the Pilgrims.

Mr Dunlop's Memoir, on the controversy respecting the boundaries of Pennsylvania and Maryland, involves a discussion upon which we have not room to enter. The author has been successful in elucidating a somewhat entangled point of colonial history, and placing it in an intelligible form before the reader, which has not been attempted we believe in any other treatise, drawn up expressly for the purpose.

Before closing these remarks, we are tempted to say a word more on the utility of Historical Societies. The importance of speedy exertions, in collecting the remnants of such scattered materials as we possess, and of securing them in safe and accessible depositories, needs not to be urged. Every day adds to the chance of their being destroyed or lost. Time besieges them with its wasting power, or the tide of oblivion rolls over them. Let them be brought together, arranged, and preserved according to their purpose and value, and be made fruitful sources of knowledge to future historians, and the efficient means of abridging their labors. The deeds of our forefathers, their early struggles and protracted sufferings, are themes worthy to be had in remembrance and deep reverence by those, who are enjoying the fruits of the vineyard, which they planted in perilous times, with such sacrifices of blood and happiness. To lay these up in the chambers of our memory, and transmit them as a choice inheritance to our children, is no more than a dictate of nature, confirmed by the example of all ages, and the first impulses of the heart. The patriots and heroes, who achieved our liberties, are equally to be held in honor, and the records of their great actions engraven on tablets, which time shall not destroy, nor

* Chalmers' Annals, Book I. chap. 13. The first printing press introduced into any part of America, north of Mexico, was set up in Cambridge, Massachusetts, in 1638. Printing was introduced into Pennsylvania as early as 1686; and into Virginia about 1727.

accident mar. By a good history of the country only can this be effected, and such a history cannot be written, till the materials, of which it must be composed, shall be collected and made easy of access.

It should be the object of each Society to search out every printed volume, pamphlet, and document relating to the history of America, and such manuscripts particularly as come within the professed compass of its inquiries. A person, who has not examined this subject, would be surprised at the exceedingly small number of books in our public libraries, on the history of this country. Nothing is more rare in these collections, than a copy of many of the colonial histories. After we have mentioned the library of Harvard College, of the Athenæum and Historical Society in Boston, of the Historical Society in New-York, of the Philosophical Society and the city library of Philadelphia, and the library of Congress, we know not another, in which the whole stock of books relating to America may not be ranged in the corner of a single case. The collection at Cambridge is by far the most ample, and it is a poor compliment to our native zeal, that this was made principally by foreigners, and has been transferred from Hamburgh and Paris to its present station, by the munificence of two of our wealthy citizens. The library of Congress is remarkably deficient in this department, having gained no acquisitions since the purchase from Mr Jefferson, except of the new current books. If there be a library in the Union, which ought to be more rich than any other in works of this description, it is that belonging to the nation. The city libraries of Charleston and Baltimore are judiciously selected for general purposes, but as to American history they are meagre. In neither of them can be found a full set of the printed books, journals, and documents relating to the state of which it is the metropolis. You can learn more of the fabulous ages of Greece and Rome, or of the Saxon Heptarchy, than of America, in the greater portion of the public libraries in the United States. A few private libraries are well supplied with works on American history, one of the most copious of which is understood to be that of an eminent jurist in New Hampshire.

State libraries are established in some parts of the Union, under the patronage of the legislatures, as in North Carolina, Pennsylvania, and New Jersey. This example is worthy to be imitated by all the states. If the representatives will cherish a proper interest in the subject, every important historical record

and paper in the states may soon be collected into these centres. The state library of North Carolina exhibits the rarest instance of *bibliomania*, probably, which has occurred on the western continent. Lawson's History of Carolina, a thin quarto volume, of small size and a good deal worn, was recently purchased by the library committee, at the sale of a private gentleman's books in that state, for the round sum of sixty dollars. The book was printed in London, 1718, and at the bottom of the title page we read, 'Price five shillings.' * The state library at Harrisburgh,

* The entire title of the work is as follows. 'The History of Carolina, containing the exact Description and Natural History of that Country; together with the present State thereof. And a Journal of a thousand Miles, travelled through several Nations of Indians, giving a particular Account of their Customs, Manners, &c. By John Lawson, Gent. Surveyor General of North Carolina. London. Printed for T. Warner, at the Black Boy in Pater Noster Row, 1718. Price five Shillings.' The volume consists of two hundred and fiftyeight pages, about one third of which is taken up with an account of the Indians.

At the close of his Introduction the author makes the following remarks. 'The merchants of Carolina are fair, frank traders. The gentlemen seated in the country are very courteous, live very nobly in their houses, and give very genteel entertainments to all strangers, and others, that come to visit them. And since the produce of South and North Carolina is the same, unless silk, which this place produces great quantities of, and very good, North Carolina having never made any trial thereof as yet, therefore I shall refer the natural produce of this country to that part which treats of North Carolina, whose productions are much the same. The Christian inhabitants of both colonies are pretty equal, but the slaves in South Carolina are far more in number than those in the North. I shall now proceed to relate my journey from this settlement to the other, and then treat of the natural history of Carolina, with other remarkable circumstances, which I have met with during my eight years' abode in that country.'

Accordingly he proceeds next to his Journal, which he opens thus. 'December the twentyeighth, 1700. I began my voyage for North Carolina from Charles Town, being six Englishmen in company, with three Indian men and one woman, wife to our Indian guide.' In this manner they journeyed, till they came, as the author expresses it, 'to Pamticough river in North Carolina, where, being well received by the inhabitants, and pleased with the goodness of the country, we all resolved to continue.' How long he continued we are not informed, but his work was not published till eighteen years afterwards.

A book was published in Dublin, in the year 1737, entitled, 'Natural History of North Carolina, by John Brickell, M. D.' which is remarkable for being an almost exact verbal transcript of Lawson's History, without any acknowledgment on the part of the author, or even a hint that it is not original. Periods and paragraphs are transposed; parts are occasionally omitted, and words and sentences here and there inter-

in Pennsylvania, contains many portly folios, in antique garb, presented by William Penn, among which are the best of the old English authors. To these have been added the standard works on politics, history, and legislation.

Printed journals, pamphlets, and documents relating to the Revolution, constitute another kind of historical matter, which should be speedily collected. It is an extraordinary fact, that in hardly a single state can be found, in any one place, a full copy of the journals and records of that state, during the period of the Revolution. In some cases the same may be affirmed of the proceedings of the first conventions, when the colonies began to take upon themselves the powers and the acts of self government, and when new constitutions were framed. The negligence in this respect is unaccountable. No doubt a few perfect copies might be obtained, by proper exertions, for although no individual may possess the whole, yet all the parts may be in the hands of several. It would be a worthy enterprise for any historical society to appoint a committee, for the express purpose of collecting a perfect copy of the printed journals of the conventions and assemblies, from the beginning to the end of the revolutionary contest. The unsettled state of the times may perhaps be considered the cause of the carelessness, which prevailed in preserving papers, whether printed or in manuscript.

Another desideratum of immense importance in a historical collection, is a perfect body of the statutes of all the colonies and states, down to the formation of the federal constitution. The various editions of revised laws are not enough, for it will often happen, that a law, which has been repealed, is more essential as a historical record, than half a score of others, which have been kept in force. At the period of the Revolution, particularly, the laws, which illustrated most strikingly the state and spirit of the times, were the very ones soonest out of date. The entire statutes are alone valuable for history, and we do not believe there is a library in the Union, which can boast of possessing these for more than one or two states at the utmost limit. Virginia is the only state, which has published its own laws in

polated; but, as a whole, a more daring piece of plagiarism was never executed. The fact that this volume was published by subscription, only nineteen years after Lawson's History, is presumptive evidence, perhaps, that this latter work, for reasons now unknown, had become so rare, as to render a detection of the plagiarism improbable. Both of the above works are in the Boston Athenæum.

anything like a perfect form. Hening's Statutes at Large, in thirteen volumes, is a work reflecting the highest credit on the wisdom and liberality of Virginia, as well as on the industry and good judgment of the editor. With the full body of the laws, printed in chronological order, are mingled historical illustrations. The work, indeed, has no parallel in any other state, in regard either to its origin and execution, its extent, or the mode of its publication. It was printed at the charge of the commonwealth, and we presume at a considerable pecuniary sacrifice, for it is sold at a price hardly adequate to the cost. The project was designed for public benefit, and in attaining this end it has been successful. The proceedings of the conventions of Virginia, at the beginning of the Revolution, have also been reprinted by order of the legislature.

It may not be out of place here to correct a prevalent error, respecting the first written *Constitution* in this country. It has been generally supposed, that the constitution of Virginia was the first, and in Mr Jefferson's letter to Major Cartwright, lately published in the biographical memoir of that veteran friend of liberty, he writes, 'Virginia was not only the first of the states, but I believe I may say the first of the nations of the earth, which assembled its wise men peaceably together to form a constitution, to commit it to writing, and place it among their archives, where every one should be free to appeal to its text.' In this paragraph there is a mistake, in respect to its main point, as will be perceived by referring to dates. The convention, which formed the constitution of Virginia, assembled on the sixth of May, and continued by adjournments till the fifth of July, 1776. But the constitution of South Carolina was adopted on the twentysixth of March preceding, *more than two months before that of Virginia*, at what was called the 'Second Session of the Second Provincial Congress,' which assembled at Charleston on the first of February.

The president of this congress was William Henry Drayton. On the eleventh of February, a committee was appointed to prepare a plan or form of government, as had been recommended by the continental Congress in the preceding November. Of this committee, Charles Cotesworth Pinckney was chairman, as would appear from the journal. A constitution was reported a few days afterward, which was discussed and amended from time to time, till it was finally adopted on the day abovementioned. The constitution itself may be seen in the journal

of the second provincial Congress of South Carolina, printed immediately after the session. The same day on which this constitution was adopted, that is, March 26th, 1776, the officers of the new government were elected. John Rutledge was chosen president, or governor, and Henry Laurens vice president. From these facts, it is evident that the constitution of South Carolina was promulgated before that of Virginia, and, as far as we know, it was the first written constitution in America.

A primary object of historical societies should be to collect manuscripts, to publish the best of them, and preserve those of less value in such a manner that they can be consulted by the historian and curious inquirer. The country abounds with historical manuscripts, in the hands of individuals and in public offices. It is to be lamented, however, that few public colonial manuscripts remain. In some of the states, the early journals of the assemblies and of the councils have been kept unbroken, but it is a fact worthy of particular remark, that in very few of the states, in none certainly south of New York, can be discovered a vestige of the correspondence of the provincial governors, nor any of the unpublished state papers anterior to the Revolution. This can be accounted for only upon the supposition, that the governors took away with them all the papers of this description. The journals are barren in matters of history, exhibiting little more than a dry detail of the daily proceedings of the legislative and executive bodies. The journal of the Council of South Carolina, under the provincial government, amounts to forty manuscript folio volumes. These contain specimens of Indian eloquence, and occasional copies of letters. In Georgia there is very little to elucidate early history, but what there is, we have good reason to believe, has been thoroughly examined, and will be faithfully reported, by Mr Bevan, who is now engaged under the auspices of the legislature in writing a history of the state. North Carolina is not without materials for early history. Mr Francis Xavier Martin many years ago made preparations for writing a history of that state, but his project never came to maturity. Judge Murphey is engaged in the same undertaking. Williamson's history is very imperfect. In Virginia all the public records and papers were burnt in January, 1781, when the British took possession of Richmond under Arnold. Up to that date the offices are blank. Maryland was more fortunate, and its provincial records are well preserved. In Pennsylvania these continue without interruption from the first session of Penn's council,

down to the end of the old government. The journals of New Jersey were printed nearly, if not quite, from the beginning of the government.

But none of these sources is by any means fertile in the best materials. In short, the colonial history of America is shut up in the office of the Board of Trade and Plantations in England. The original papers are all there, and no tolerable history can be written without a free and full use of them. A copy of the entire mass of those papers, as far as they relate to this country, ought to be obtained and deposited in the national archives at Washington. The government is the proper organ for managing this business, and we can hardly imagine an act more honorable, or more indicative of wisdom, good sense, and patriotism, than an effort to procure such a copy, through our minister at London. It cannot be supposed, that the British cabinet will at this day have any objection to copies being taken of papers, relating solely to this country, especially when we consider the enlightened and liberal men of whom that cabinet is now composed.

There is much room for zeal in finding out and collecting manuscripts, at present in the hands of individuals, which have a direct bearing on the origin and events of the Revolution. This is the grand period in our national history, upon which future ages will look back with peculiar interest, and mark as a prominent epoch in the progress of mankind. The correspondence of the officers of the army, the first governors of the states, the delegates in Congress, and other leading men of the times, should be eagerly sought and rescued from the fate, which is impending over it. Much of this we know has already been lost, by the carelessness or indiscretion of the persons, into whose hands it has fallen. It will all gradually disappear, unless seasonably deposited in the safe keeping of some public body, where a perpetual watchfulness will be exercised over it.

The history of some private manuscripts has already been curious. Our readers will recollect, that two or three years ago a large bundle of letters was brought to light in a baker's shop in New York, which proved to be the private correspondence of Paul Jones. When Paul Jones left America for the last time, he committed to the care of his friend, John Ross, of Philadelphia, several packages of manuscript papers, consisting of letters, journals, and vouchers of his landed and other property in America. A power of attorney was afterwards sent to Mr Robert Hyslop, merchant of New York, to receive those packages in

trust for the heirs of Paul Jones. An agent came to this country and settled the pecuniary affairs, but the papers, on being examined, were allowed to remain in the hands of Mr Hyslop in trust, as undivided property belonging equally to all the heirs of Paul Jones. At length Robert Hyslop died, and the papers then fell into the hands of his executor, John Hyslop, baker in New York. This is a brief explanation of the somewhat singular circumstance, of papers of this sort having been discovered in a baker's shop. They were valuable, as containing the correspondence of some of the most eminent leaders of the Revolution.

Another remark we may add respecting the papers of Paul Jones. By his will he left all his effects to his two sisters, who resided at or near Dumfries, in Scotland, to be divided equally between them and their children, in as many shares as there were individuals in the two families, constituting his two sisters guardians of their respective children during their minority. In 1793, one of the sisters, and the husband of the other, went to Paris, to recover a debt due from the French government to Paul Jones, and took with them to Scotland, among other things, all the papers left by him. A division of the effects and papers was immediately made, by a gentleman appointed for the purpose, with the mutual consent of the parties, who bound themselves to abide by his decision, This gentleman pursued an extraordinary course in regard to the papers. He portioned them out in two parcels, by weight and measure, just as they happened to come to hand, without regard to their value or connexion. The two families resided for some time in Scotland, and when Dr Duncan, eight or nine years ago, prepared the short biographical sketch of Paul Jones, for the Edinburgh Encyclopædia, he appears to have had access to all the papers. Since that time a branch of one of the families has removed to America, and brought hither a part of the papers, all, it is presumed, which this branch had in its possession.

A few years ago, a niece of Paul Jones, who inherited from her mother the portion of papers that fell to her lot, made an overture to the Historical Society of New York to publish them. The negociation was not successful, but the manuscripts were sent out to New York for inspection, where they now remain in the hands of an individual in trust for the owner. They are fair copies, collected into four volumes, the three first of which relate chiefly to the part the author took in the American Revo-

lution. The last volume is written in French, and is devoted wholly to his services in Russia. The contents of all the volumes are chiefly letters, and official papers, some of which have been published. To the first volume is prefixed a memoir of his life, but by what hand we know not. There is also a short narrative of the transactions in which he was engaged during the American war, but the substance of this is nearly the same as that, which he presented to the king of France. It is a mistake, however, which some way or other crept into the Edinburgh Encyclopædia, that Paul Jones has left anything, which can be properly called a memoir of his own life by himself. What is to be the destiny of these papers we are not informed, but they are obviously essential to any correct delineation of the life and character of Paul Jones.

In closing these hints, we cannot but repeat a suggestion made by us on a former occasion, that individuals, who possess manuscripts of public interest as affording materials for history, should deposite them in the archives of public institutions, where the chance of their being preserved will be much greater than in private hands. The example of Mr Richard H. Lee, author of the valuable biography of his grandfather, is in this respect worthy of the highest commendation. The numerous papers, which belonged to his grandfather, Richard Henry Lee, he has resolved to deposite in the library of the Philosophical Society at Philadelphia, and the papers of Arthur Lee he intends in like manner for Harvard College. Thus will these wise men, and warm patriots, speak to posterity through their writings, and the writings of their friends, which for many reasons it might not be expedient to publish in detail. As works of reference such collections will be invaluable to the historian; and members of historical societies, and of similar institutions, cannot exercise their influence or their industry in a more profitable way, than in gathering up from every quarter materials of this kind.

ART. III.—*A List of Patents granted by the United States, for the Encouragement of Arts and Sciences, alphabetically arranged from* 1790 *to* 1820; *continued by Supplements to* 1826; *containing the Names of the Patentees, their Places of Residence, the Dates of their Patents, &c.* Washington, D. C. Printed and sold by S. Alfred Elliot.

The above work, though merely a catalogue of inventions and names, possesses an interest of the highest kind to an enlightened American citizen, and affords us an opportunity of calling the attention of our countrymen to the importance of the Patent Law, the influence it has had upon the practical industry of the nation, the present state of the system of granting patents, and the necessity of the law being revised and made more efficient for its original purpose. Our own attention has been awakened to these topics, by the following passage in President Adams's Message to Congress, at the opening of the last session.

'The laws relating to the administration of the Patent Office are deserving of much consideration, and, perhaps, susceptible of some improvement. The grant of power to regulate the action of Congress on this subject, has specified both the end to be obtained, and the means by which it is to be effected—"to promote the progress of science and useful arts, by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries." If an honest pride might be indulged in the reflection, that, on the records of that office, are already found inventions, the usefulness of which has scarcely been transcended in the annals of human ingenuity, would not its exultation be allayed by the inquiry, whether the laws have effectually insured to the inventors the reward destined to them by the constitution—even a limited term of exclusive right to their discoveries?'

Such a notice, coming from such a source, and at such a time, was sufficient proof that investigation was on some account or other indispensable. It is a little strange therefore, nay, not a little, that during a session, protracted to almost six months, Congress passed over this subject in silence and unconcern. They did indeed refer that part of the Message, as well as other parts, to a committee, at the commencement of the session; but such a reference of this, and many other important subjects,

seems to have been of the nature of final interment. Much noise is sometimes made about the extravagant and useless expenditures in the executive departments of government; but do members of Congress forget, that they are not sent thither by their constituents, and handsomely paid, merely to make flourishing and accusatory speeches, but actually to *look into* and *examine* the state of those departments, rectifying what is wrong and supplying what is wanting? Can the almost total neglect of this be justified, by delivering long *tirades*, that cost the nation some four or five thousand dollars each; and calling for wagon loads of papers and documents, of no earthly use to any one when produced, except to the public printers in the pay of Congress? If, however, the great body cannot be brought to act promptly and efficaciously on the measures submitted to it, we cannot understand why the committees should not investigate, and report upon, *every subject* referred to them; the people would then at least know the state of things, and where blame or praise is due.

With respect to the Patent Office, it is not an incidental subject of their attention, the result of other powers which they possess; but it is specially and expressly confided to them, by the words of the constitution; 'to promote the progress of science and useful arts, by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries.' Such is the will of the sovereign people; and three great objects, relating to the *progress of science* were distinctly recommended by the Executive to the consideration of their representatives at the last session, the Patent Office, an Observatory for astronomical purposes, and a National University. Hardly the slightest notice was taken of either. We therefore feel it important to bring these subjects, in another form, before the nation. At present we can spare time and space only for the first.

The Patent Law was passed in the year 1793, during the presidency of Washington. It enacts for substance the following regulations.

'*Section* 1. Any citizen of the United States, alleging that he has invented any new and useful art, machine, &c. or an improvement upon such art and machine, which has not been known or used *before the application*, may petition the Secretary of State for letters patent bearing test by the President of the United States, and granting to such petitioner, his heirs, adminis-

trators, and assigns, the full and exclusive right and liberty of making, constructing, using, and vending, the said invention or discovery, art, or machine, for a term not exceeding fourteen years. The letters patent, giving a short description of the subject matter of it, shall be delivered to the Attorney General of the United States, who is allowed fifteen days to examine the same, and if he find them conformable to law, he is to certify it at the foot thereof, and return the same to the Secretary of State, who is to present the said letters patent to be signed, and cause the seal of the United States to be affixed thereto; and the same shall be *recorded in a book* kept for that purpose, and shall be good and available to the grantee by force of this act.

'*Section* 2. A mere *improvement* on a machine already known, used, or patented, shall not give a right to make the *machine itself* which may have been formerly patented to another; neither shall the first inventor be at liberty to adopt the *improvement* without permission from the patentee.

'*Section* 3. The inventor must *swear* or *affirm* that he verily believes himself to be the true inventor; he must also make a written description of the same, clear and intelligible, and accompany it with drawings and models, if necessary, to be lodged in the patent office; so that a skilful person may be able to make the said machine, or other article, by the said description.

'*Section* 4. This section gives the power of assigning the patent right to others, provided the assigner duly records the said assignment in the office of the Secretary of State.

'*Section* 5. The forfeiture for invasion of a patent right, shall be at least equal to three times the price for which the patentee has usually sold such right to others.

'*Section* 6. But the defendant in such action for damages may plead the general issue, and if he shall prove that the specification filed by the plaintiff has concealed any part of the truth relative to said invention, for the purpose of deceiving the public, or that the thing was not originally discovered by him, but had been used, or described in some public work, before the supposed discovery by the patentee, or that he had surreptitiously obtained a patent for another person's discovery; in either of these cases, the patent shall be declared void.

'*Section* 9. In case of interfering applications, three persons are to be appointed as arbiters, whose decision as to the granting of the patent shall be final.

'*Section* 10. Actions to set aside a patent right must be brought within three years after the issuing the said patent.

'*Section* 11. Every inventor, before petitioning the Secretary of State to obtain a patent, shall pay into the treasury thirty dollars,

and the money thus paid shall be in full for the sundry services to be performed in the office of the Secretary of State, consequent on such petition, and shall pass to the account of clerk hire in that office. Nevertheless, for every copy that may be required of any paper respecting any patent that has been granted, the person requiring it shall pay twenty cents for every hundred words contained therein; and also two dollars for every copy of a drawing.'

We have given a digest of the act, rather than a copy of all its words and provisions, both to save room and to render its features more distinct. An additional act, passed April 17th, 1800, extended the privilege of obtaining patent rights, 'to all aliens, who shall have resided for two years within the United States'; but declaring, that if it shall afterwards appear that the said invention, art, or discovery, so patented, *had been known or used previously to such application for a patent*, the patent shall be utterly void.

It is obvious therefore that *original invention, or improvement*, is the only thing contemplated by the law as entitled to a patent, whether that invention be by a citizen, or an alien resident in the United States; and that, failing to prove its originality, the patent right fails. It is, in fact, a reward given to stimulate the industry of mind; a wise provision to call forth the energies of the country in practical and useful improvements, without costing the national treasury a dollar; for every thing is paid for by those, who voluntarily avail themselves of the privilege held out by the law, and who again remunerate themselves, by selling a part of their acquired right to those, who are convinced they shall be profited by the purchase.

Under this law we are informed that four thousand patents have been obtained; and if it could be proved, (which we do not believe) that three fourths of them were for mere useless speculations, there would still remain a thousand useful inventions, distinctly and intelligibly specified and described by words, drawings, and models, applicable to almost every variety of human ingenuity and industry. But in fact there are two thousand models, ingeniously executed, and preserved in the model rooms of the Patent Office; a museum of the mechanical arts, as applied to the interests and labors of agriculture, domestic and rural economy, manufactures, and commerce. Bridges of various constructions, steam engines, boats, ploughs of every form, carriages of all kinds, bedsteads, chairs, chimneys, cooking appa-

ratus, salt works, glass works, clocks, machines for making hats, shirts, and shoes, nail machines, slitting iron, brewing, distilling, carpeting, nautical instruments, mills to be moved by wind or water, locks, improved rigging for ships, window blinds, cotton presses, rice cleaners, corn shellers, pumps, rail roads, docks; all these are but a sample of the motley variety of models of improvements in the essential parts and features of those implements that are lodged in the office. We sincerely wish, that a more ample space could be allowed for their exhibition; and that instead of twenty or thirty models being crowded on a shelf not more than three feet long and half as deep, so that it is almost impossible distinctly to examine them, and observe their forms and proportions, they could be displayed singly on a series of proper shelves, in a building exclusively appropriated and sufficiently large for the purpose.

At this period, when schemes of general improvement occupy the public attention so much, it is particularly desirable that every thing that has been suggested, should be classified, and exhibited in a perspicuous and satisfactory manner, to the numerous visitors, from every part of the Union, transiently at the seat of government. It would form a valuable study, and afford the most important hints to many a perplexed projector. For the same reasons, all the patents should be distinctly, chronologically, and clearly recorded in uniform volumes, that they may be referred to and read, without creating needless trouble to the clerks, in searching out long forgotten papers; and, indeed, that the risk may be prevented of losing such altogether. It is gratifying to learn, that the present administration has ordered a system of this kind to be commenced. The previous neglect of it has been matter of astonishment, although it may be accounted for from the fact, that the business of the office was such, that the persons allowed by Congress for its tranaction were entirely inadequate to its labors. If, on account of this neglect, the laws do not effectually ‘ insure to the inventors, the reward destined to them by the constitution,’ it is high time the matter was looked into and a remedy applied.

It is easy, however, to account for the apparent inattention to the details of this branch of the executive duties, and the time is arrived we trust, when it will no longer be permitted to remain in that state. The law made it the duty of the *Secretary of State* to issue patents; he is in fact, and to this day, the only *real* and *legal* superintendent of the Patent Office. In 1793, and for some

time afterwards, this branch of duty was so trifling, that there was no necessity for either a distinct officer or building, to accomplish the purposes of the law. But the business gradually became more onerous, and it was found necessary to employ a clerk to perform the duties of this office exclusively; and out of courtesy he has been considered as the superintendent of the Patent Office. Still, however, the law recognises only the Secretary of State as the true superintendent, and other appointments are only viewed as clerkships, to aid in the discharge of his duties.

The space required by these duties became equal to all that was necessary for the other functions of the department of state, and a portion of the large building assigned for the general post office was appropriated for this purpose. Thus the state department has been, in a degree, disincumbered of details and operations, very incompatible with its other, more exalted trusts. But both this, and the patent office, have grown with the growth of the nation, and the duties of each have multiplied so thickly, that circumstances seem imperiously to require, that the Secretary of State should be more entirely relieved from the perplexing details of this office, locally separated from his own, and of a nature peculiarly incongruous with the other objects of his solicitude.

If, indeed, the suggestion so repeatedly made, of dividing the department of state into a home and foreign office should be ever carried into execution, then the Patent Office would fall under the control of the home department. But whether it be so, or not, it appears to us that the business would be much simplified, by placing the Patent Office on precisely the same footing in relation to the department of state, as the Register's and Auditor's offices bear to the treasury. Let all the business relative to the patents be transacted, from first to last, in the office itself, and accounts be regularly returned to the department of state, by the official head of the subordinate office. Besides the person, who has for so many years acted under the Secretary of State, as superintendent of this office, there has been another authorized by law for ten years; and a messenger was found necessary about five years since. In 1824 a machinist was added to take charge of the models, and keep them in repair; and, as the business of obtaining patents has increased with unprecedented rapidity, two more clerks, for extraordinary writing, have been employed, and paid out of the contingent fund, during the last year.

To impress the necessity of reducing this important and growing office, to some regular and intelligible system of operation, we shall here state its progress for the last five years.

In 1821	there were issued	153 patents.
1822		201
1823		164
1824		204
1825		301
		1023

These patents, at thirty dollars each, produced a revenue to the treasury of $30,690. Yet, we are assured, the salaries of clerks, and contingent expenses in the patent office, did not exceed $4000 a year, leaving a balance unapplied to the purposes for which the money was actually paid of $10,000. Why, then, should any part of this business be neglected, or slovenly performed? That no falling off, but on the contrary a large increase, of the business of this office is to be anticipated, may be inferred from the fact, that a hundred and fifty patents were applied for in the first quarter of the year 1826; and there seems no reason to doubt, that at least four hundred will be granted in the course of the current year, yielding a revenue of $12,000. To meet this state of things, Congress will, doubtless, at the approaching session, make considerable alterations in the Patent Law. We will take the liberty to suggest what appears to us to be necessaay.

The Secretary of State should be relieved from the trouble of superintending this office, except so far as to receive an annual return of the state of the office from the actual superintendent, to be laid before Congress. The clerks in the Patent Office should be sufficiently numerous to discharge all its duties, without applying to another department, or its contingent fund, for extraordinary assistance which is altogether needless. What the requisite number may be, Congress will of course ascertain by their committee. But it seems to us that a superintendent will have enough to do, in receiving and answering letters, and transacting the money affairs of the office with the treasury. A principal clerk will also be fully employed in examining specifications, and reading and correcting patents before they are issued. Then for engrossing four hundred patents in a year, there cannot be less than two clerks required; and the same

number, of course, for recording them. This will make two principal and four inferior clerks, besides the machinist and a messenger. This is the least augmentation that can be adequate to the current business of the office, and any increase of that business will require a larger establishment.

To prevent an error heretofore fallen into, we should suppose it necessary for the law to make it imperative, that every patent shall be duly recorded *before* it is issued to the patentee. We see no reason for that haste, by which we understand many patents have been hurried through, and issued on the very day they were applied for. Many evils arise from this precipitancy. And if there can be any danger from delay, it may be prevented by making it lawful to enter a *caveat*, to prevent any other interfering patent from superseding the one first applied for. In all cases *thirty days*, at least, should elapse, between the presentation of the petition and specification, and the issuing of the patent. There is no necessity for the present plan of sending them to the attorney general for examination, and to be certified by him as issued according to law. The truth is, that he can know, no more than any other man, whether they are issued according to law or not; and it is an undoubted fact, that all which have been issued, without being duly recorded, have been issued in violation of the law, the certificate of the attorney general to the contrary notwithstanding. The only thing he knows about the matter is, that the printed form with the blanks filled up, to which he has set his name, is the regular and legal form in which such documents are issued. But whether all other parts of the patent law have been complied with, is a thing of which he knows nothing. No one can imagine for a moment that he, with all his other important avocations, can read through in a day, specifications which frequently fill a score of sheets of parchment, embracing objects the most various and dissonant from his usual train of thought and action, and then pronounce any deliberate opinion upon them at all. This part of the Patent Law is a most objectionable and useless one, and the attorney general ought to be relieved from it.

The head of the Patent Office, whoever he may be, whether the Secretary of State, or any other person, is the proper officer for certifying that the patent is issued in all respects conformably to law. The signature of the President of the United States,

of course, accompanies the seal, which stamps the instrument with legal validity.

There is a particular difficulty arising from the very first paragraph of the first section of the act, which we have cited above, that demands rectification; 'not known or used *before the application.*' What is the antecedent of this word *application?* We do not perceive that it has any. And although we may conjecture what it means, yet nothing in a law should be left to conjecture. What a noble field for litigation is here opened; and what a mass of property is involved in the consequences of judicial decisions on such ambiguous phraseology. Some patentees have valued their rights at many thousand dollars, and have actually sold them for as much; but if on an average they should not be worth more than four or five hundred dollars apiece, here is the amount of a million of dollars or more depending on the construction of an equivocal sentence. We need say no more. We are sure that this matter can remain no longer unrevised. In our free government, such usages as we have commented on, will not be suffered to prevail long in defiance of common sense and of justice.

If any of our legislators have been so mistaken, as to view the subject of this article as trifling, and unworthy of their serious attention, we trust they will soon see it otherwise; and that while they are bound by the constitution and laws to attend to the interests of the arts and sciences, and have funds placed at their disposal so much more than adequate to the object proposed, they will not suffer an institution so important to the cause of internal improvement, and so gratifying to a curious and intelligent public, to remain in disorder and insecurity. If it be thought advisable to erect a separate building, on the fireproof plan, for the better security of these valuable treasures of American genius, we believe it is only necessary for some member of Congress to call for the amount of moneys received from the Patent Office, and disbursed on account of it, to show that there is somewhere an actual balance quite sufficient for the purpose.

ART. IV.—*Geschichte der Democratie in den Vereinigten Staaten von Nord America, von* JOHANN GEORG HÜLSEMANN. Göttingen. 1823.—*The History of Democracy in the United States of North America.* By JOHN GEORGE HULSEMANN.

THIS work, as far as its historical contents go, is a meagre compilation from Ebeling's Geography and History of North America. Its object is, to present the most unfavorable picture, which can possibly be borne out by a semblance of facts, of the origin, progress, and present state of the American institutions. In the earlier periods of our history, for obvious reasons, more impartiality is observed, or rather the libel is in those portions of the work composed with less relish. The author throws in his red pepper as he proceeds; till at last, not merely the seasoning but the entire composition of his dish, is borrowed from the hottest pages of Turreau, Bristed, Felix Beaujour, and other gentlemen of that cast. The performance is wholly destitute of merit, even of that of being tolerably well composed, with a reference to the object in view; for with all the curiosity, with which scandal is almost sure to be read, we would defy Sir Benjamin Backbite himself, to read any one chapter in this work, without a yawn. It possesses none of the sturdy, heart of oak defamation of the Quarterly; none of Blackwood's flippant insolence; none of the romancing calumny of the French libellers; but is a tame imitation of the Baron Von Fürstenwärther and the excellent Messrs Schmidt and Gall. In a word, it is the most narcotic lampoon we ever read.

We have been induced to notice it, not for the three or four hundred pages of text, of which it consists, and of which we have now given the character, but for the preface of some fifteen or twenty pages, which introduces it, and is apparently from a different hand. The author of the book purports to be a Mr Hülsemann, which is, being interpreted, 'a man of husks;' we incline also to the opinion that he is a man of straw, a fictitious being, fabricated to disguise the real personality of the author. The preface breathes the air of authority; it does not expressly claim an official origin; but there is a chancery pomp about it, which no one can mistake. It unquestionably came from the bureau of a minister, and from the pen of a first under secretary; and some starveling bookseller's drudge was hired to put the

materials together, to which it is appended. In short, our readers may perhaps be surprised, after the sorry character we have given of this performance, and not more sorry than just, to hear that it is to all appearance a semiofficial emanation of the Austrian cabinet. The only consolation we lay to our souls, under the severity of its maledictions is, that in the opinion of this cabinet, *we* are no worse off, than the rest of the world; and that from the same lofty source, from which a libel is here pronounced on our entire character, and all our institutions, the University at Buda was told, two or three years before, that *totus mundus stultizat.* In this general fatuity of the human race, and of America in particular, it is a token of grace, that a Metternich and a Gentz remain to rule and counsel the nations. We propose to comment on a few of the propositions contained in this preface, for the sake of showing to the American public, from a source to which probably not many of our fellow citizens would have access, the opinions and principles, which actuate the continental governments of Europe. However absurd these opinions, however false these principles, they acquire a practical importance, when they enter into the springs of the policy of powerful states.

The writer of the preface, speaking in the person of the author of the work, says, that his object is 'not to give a civil history of America, but to direct attention to those events and to the prominent principles in the conduct of individuals, which illustrate the relation of the dominant policy of Europe to the prevailing principles of America.' In other words, as will presently appear, the author designs to show, that there is an essential hostility between the system of Europe and the system of America.

To this candid avowal of his object succeeds a more than candid avowal of the manner in which he shall pursue it. He tells us that he feels the less scruple, in thus avowing his design, as in all historical investigations, he recognises *impartiality*, as a duty only in reference to facts, but not in reference to principles. 'For impartiality, as it is called,' continues he, 'is everywhere but imaginary, inasmuch as those writers who set themselves up as a standard, which all must follow, assume as an axiom the principle of universal toleration and universal illumination, and consequently contemplate events under the influence of a partiality, resting on their own mode of judging them, if not on external circumstances.' We have quoted this scarcely intelligible trash, to give our readers a specimen of the court logic of the age. If

it were worth while to combat it, we might say, that the writer knows nothing even of the seat of the quality, which he undertakes to define. He confounds impartiality first with veracity and then with probity. He admits the duty of impartiality in matters of fact; in other words he does not hold it lawful to tell downright falsehoods, in writing history; but he does not admit the duty of impartiality in matters of principle. We are willing to believe the writer a much better man, than this proposition would lead one to suppose. He means, that he does not think it right, under pretence of being impartial, to be indifferent on questions of principle. Certainly not; and what he disclaims as impartiality toward principle, is what decent men, in this part of the world, think it unnecessary to disclaim, it being dishonesty. Impartiality, then, in a historian, is freedom from that attachment to persons or interests, which leads a writer, by a strong bias, to attribute actions and principles the most unfavorable to those whom he dislikes, and the most favorable to those he likes. It is not a thing of abstraction, it refers not exclusively to actions nor to principles; but to both as ascribed to men. Perfectly impartial a man of strong feelings cannot well be; and all that can be hoped is, that a love of truth as strong, with a philosophical command of temper, will prevent all respectable historians from going far in attributing, without foundation, to the parties or the men they dislike, corrupt principles or bad deeds. The author of this preface, however, emancipates himself, by his jesuistical logic, from one half of this duty. He owns that, in matters of fact, he does not see his way quite clear to assert what is false of America; but as to matters of principle, he may say of us, what he pleases.

But we have, on the whole, the charity to believe, that the writer bewildered himself, in his attempt to deal with the idea of impartiality, and knew not himself whereof he affirmed; for we find him in the next paragraph, in pursuit of an entirely different train of thought; and as it contains the elements of his political system, we shall quote it almost entire.

'In the author's judgment, it is a duty to declare one's self expressly against that, which one regards as *evil;* and toleration, in such a case, so far from being a duty, is at best a weakness. From an European point of view, the prevailing tendency of things in America is *hostile,* and rests upon principles directly opposed to the entire basis of our civilization. The prevailing tendency in North America is in direct warfare with our religion, and with

our monarchico-aristocratic interests and sentiments; and for this reason, the author can regard only as pernicious, whatever rests on a transatlantic basis. It would be a very erroneous inference from this candid confession, to see in it hatred toward North America as such. The champions of the prevailing European policy are content, if our continent be not infested with what belongs to America. So long as it remains beyond the ocean, we regard it only as alien to us. But we must resist it, if it endeavor to force its way into Europe; and if it present itself in a posture hostile and destructive to our first and dearest interests. No one would take it ill (to quote the most prominent representative of the prevalent principles of the North American republic), should General Lafayette, renouncing France and Europe, seek a new home in America, in order to find beyond the ocean, a political condition, which he has striven in vain to create in Europe. But he and, with him, all those who in France, in Spain, and in Western Europe generally, are known by the name of *liberals*, and who are all more or less in opposition to the dominant policy of Europe, are justly considered as the enemies of religion, of the state, and of social order; they are justly denounced, pursued, and punished as such; inasmuch as they have been striving, for thirty years, to destroy the religious and political institutions, on which European civilization reposes, and to give us up as a prey to general lawlessness, the consequence of the removal of all authority. With how much precision and with what severity, governments ought to proceed against these ruinous efforts, must be left to the wisdom of such governments; and prudence may suggest, in point of fact, a greater or less degree of moderation, according to the circumstances of the case. But it is only in reference to the application of the principle, that the idea of moderation can be admitted. The principle itself knows no limit, and cannot too sternly be upheld.'

A precious code of political law! We sometimes hear remarks in this country, by way of censure of a supposed disposition, in the friends of our free institutions, to lavish reproach on the governments and policy of Europe. Many very estimable, very narrowminded, and very ill informed good people are tired of what they call this jangling; they cannot bear to hear the old world abused; they think it discourteous toward friendly foreign states; and they are quite sure, the Europeans do not rail at us, as we do at them. We have translated the foregoing passage for their especial behoof. We translate it from a semi-official work; from a source of the first authenticity. It is de-

sirable they should know, that those, who govern the destinies of Europe, proclaim that the prevailing tendency in America is directly hostile to the religious and political basis, on which the civilization of Europe rests; and that it is formally announced, that our great and good Lafayette and all, who with him, bear the honorable name of liberals, deserve to be denounced, pursued, and punished, as enemies of religion, of the state, and of social order. There is a pleasing and consolatory coincidence in reference to this proud and insolent denunciation, which we will not omit to state. It was made, as appears from the date of the book, in the year 1823, and consequently before the voyage of Lafayette to America was projected. What a noble commentary does his voyage and all its accompanying incidents furnish to the paltry malice, with which a price is here set upon his venerable head!

There is one reflection which forces itself upon the mind in this connexion; that the privileged orders in Europe are indebted to the doctrines of an enlightened *liberalism*, in other words, are indebted to the lessons of our constitutions, for *their* preservation. The spirit of the French revolution, that spirit which indeed breathed out threatenings and slaughter against the established interests of Europe, was the growth, not of liberalism, but of despotism. In the political, as well as in the physical world, the violence of the reaction is determined by the violence of the pressure. Govern men by force, and by force they must right themselves. A despotism without law cannot be reformed by law. If the people, in the ordinary constitution of the government, are never assembled by their elected representatives, it is impossible that the constitutional act of the representatives of the people should be the safe and pacific organ of reform. Before our example had proved the practicability of free institutions on a large scale, the only expedient for reform was to take the life of the sovereign and his favorites, and kindle a civil war, a remedy generally worse than the disease. Now the nations have found out, that reforms by constitutional law are infinitely more efficacious. Our revolution has taught this, in its successful issue; as the French revolution, the legitimate consequence of the despotism which had for ages preexisted in France, taught it by contrast and miscarriage.

The result has been, that in a state of extreme excitement; at a moment when all Europe, after the downfall of Bonaparte, was in arms; and when a solemn promise, at least of the Ger-

man sovereigns, authorized their subjects to demand the introduction of representative governments, a promise that has been either in the letter or in the spirit, and sometimes in both, flagitiously violated; still no violence has taken place. The embattled nations have laid down their arms; a whole generation of young men, with Waterloo medals at their buttonholes, have gone peaceably about their business; and are content to wait the fulness of time. Whether it will ever come, depends upon the sovereigns and governments, who have now to show a discretion, commensurate with the moderation of their subjects. If what this writer asserts be indeed true, that the institutions of America are in deadly hostility to those of Europe, it deserves the consideration of the European governments, what will be the result of the comparison, which their subjects will make of their own condition with ours. Permanently concealed from Europe it cannot be, that a system of representative republicanism is here in happy operation. Such is now the state of literary communication, the sluiceways of knowledge (to borrow a phrase from the late Mr Adams) flow so full and strong, that this fact will soon be known in every cottage south of the Vistula. Mr Hume tells us (though we fear not truly), that all government is of opinion, since the mass of the people, having the physical force, would not submit to their governors, but from choice. If this be indeed so, and if the contrast of our institutions with the European be so violent as this author states, what hope can there be that the people of Europe will much longer *be of opinion*, that it is better to be governed by a few exhausted families, than to govern themselves? It seems to us that there is no hope, and the governors of Europe have, more than any one else, reason to rejoice, that a way is shown them, by which, if they will but adopt it, that change, which must take place, may be brought about, not by bloody revolution, but by constitutional legislation.

In the following paragraph of this preface we find the avowal of doctrines, which it becomes the American statesman to remark; regarding them, as they are, as the suggestions of a court allied by marriage to that most extraordinary phenomenon, the empire of Brazil.

'The ascendancy of the democratic party in America, which has been decisive since the beginning of this century, and which is daily increasing, is not to be deplored by us, chiefly because it annihilates all the hopes, which may have been excited for that

country, by men like Washington and Hamilton. But this ascendancy is especially disastrous for Europe, for the firm support thereby afforded to the cause of revolution. For this very reason, it is highly desirable for us, that, *at least in other portions of the New World, institutions should be preserved or established, more nearly in accord with our own,* to serve as a counterpoise to the prevalent policy of North America. This is the point of view, from which we ought to contemplate, what is commonly called the struggle between Europe and America. The liberals in France and the radicals in England are to be considered, in different degrees, the advanced guard of the transatlantic army, and we may regard it as a good omen of victory, that we are able to force back the van of the enemy, and to carry the war into his own territory.'

In other words, as a happy expedient to prevent the contagion of our institutions from spreading, monarchical institutions are to be preserved or restored in the Spanish American colonies, and the republics of North America are mean time to be the theme of systematic defamation. The first part of this suggestion deserves a moment's consideration. It comes from the only court in Europe, except the Spanish and Portuguese, which has a direct family interest in South America; and it was thus thrown out to the world, at the time that intrigues were going on to establish the United Provinces of la Plata as a monarchy under a French prince; and to create a member of the Spanish family the emperor of Mexico. Contemporaneously, as is well known, an effort was made, by the Spanish government, to engage the continental alliance, to furnish the force requisite to resubjugate the colonies. France was to have been bribed with the throne of La Plata, and Austria was enlisted in virtue of her family connexion with Brazil. Could the means have been found of engaging Russia, and conciliating England, unquestionably a war would have been kindled between the two hemispheres. Happily for the peace of the world, England declared, that such a movement should be the signal, with her, for an immediate recognition of the new states; and the late administration of our own government declared to the world, in the famous message of Mr Monroe, of December, 1823, that a crusade expressly undertaken against republics would unquestionably attract the consideration of the Congress of the United States of America, as an enterprise threatening us, as well as the immediate objects of it. There is no doubt, that this united expression of the feelings of the English

and American governments had great efficacy in arresting in its inception the projected movement in Europe. We have thought it worth while, thus to dwell upon the expression of the writer before us, to show that France and Spain were not the only courts, to which the preservation and the erection of monarchical institutions in America had presented themselves, as great objects of policy; and also that these objects were avowedly pursued, in order to afford a counterbalance to the influence of the United States of America. These facts ought to be borne in mind by the American statesman, who would come to an enlightened conclusion as to the zeal and vigilance, with which we ought to cherish that sympathy between ourselves and our sister republics, for which so solid a foundation exists in nature.

The writer proceeds to observe, 'that the question has often, with propriety, been asked, why the *liberals*, those malecontents, do not at once renounce OUR continent, to which, by their interests and their character, they have become alien?' After observing that discontent with home has always been the great principle of colonization, and that a great majority of the emigrants to North America, in every period, have gone out from that principle, he sums up with the observation, 'However different the character of the various classes of emigrants, they all agree in the common character of dissatisfaction with the relations existing in the mother country, be that dissatisfaction religious, political, or personal.'

'Why do not these malecontents renounce *our* continent?' OUR continent?—But we will let that pass; because we might not express the feelings which the phrase excites, without falling into a tone too harsh for this place. We will give some reasons, however, why the malecontents do not renounce '*our* continent.' It is not a very easy process to renounce a continent. An ocean is to be crossed; a foreign land explored; and a new settlement made. These are all expensive, and beyond the means of vast numbers, who would gladly renounce 'our continent.' Let the writer of this preface read the work of Mr Gall, or that of the Baron Von Fürstenwärther, and there behold a picture of the distress incident to renouncing a continent, enough to move the heart of a minister, or his secretary. We venture to quote from a former number of this journal a single passage.

'At Dusseldorf our author received information, with regard to the unfortunate emigrants, who, three years before, had left Germany for Holland, without any mode of supporting themselves in the Dutch ports, and finding no means of procuring a passage for America, were obliged, under circumstances of the extremest misery, to return. He says

"Many, unwilling to admit the necessity of returning, remained still in the neighborhood of the Dutch cities till the approach of winter. At last, violently undeceived, they set out on their return. Half starved, covered with rags filled with vermin, and from the total prostration and wasting of strength scarce able to creep on, they arrived in the neighborhood of Dusseldorf. And yet it was out of the question to afford the most miserable any repose, for it was necessary to hurry them forward, to make room for those that followed. Those, who could not march, were sent on in wagons. Almost every family had lost one of its members. An unhappy father of seven children, of whom the oldest was scarce twelve years, had become insane at the loss of his wife. 'I want nothing,' was his constant cry, in his delirium, 'I want nothing, but a little bread for my poor children. One loaf, yes, *one* loaf, I have only earned *one;* but the poor worms cannot get their fill of that, and leave some for me to eat and be strong enough to work tomorrow for another.—See! look there! Three big, big dogs! See how they eat! O how they eat their fill! O God! God! let my poor children only eat their fill once! Shall we go to America? Oh yes, to America; there, there is plenty of land—all belongs to God—there I shall have a great, great field—and there we 'll raise the corn and potatoes, and eat as much as we want!' "'*

But this is not the worst. Recollecting always the source, from which the remarks under consideration proceed, there is a malice as well as an unreasonableness in them, which deserves severe reprehension. 'Why do not the malecontents leave Europe?' Because the governments throw all possible obstacles in the way of their departure. Do they not pursue them with a claim of inalienable allegiance? Even in England, was it not till two years ago penal, for any man of that class, from which alone most of the emigrants would naturally proceed, the mechanics, to leave his country? In the German states, an enormous tax, we believe twenty per centum, is levied upon every transfer of real estate, made by an individual, who sells his pro-

* North American Review, No. XL. Vol. XVII. pp. 110, 111.

perty with an intention to emigrate. And yet the official agent of one of these governments very cooly asks why, if the malecontents do not like the country, they do not leave it. With how much justice might the question be retorted. War was carried on in Europe for one generation, for the purpose of seating a single family on the throne of France. With how much reason might the French people say to this family, You are but one family out of nine millions of families of Frenchmen. You are dissatisfied with our actions, you are unwilling to live with us on a footing of equality. You are unwilling to submit to the man whom we prefer as our ruler. Why do you not leave us in peace, and go and live elsewhere? In this expostulation there would be a world of good sense. And for ourselves, we know not what the hearts of the men are made of, who could consent that their own country and every other country in Europe should be wasted with a thirty years' war, in order that one of themselves should be placed on a throne, for which sickness, want of energy, and old age unfitted him. But how the men, who have been leaders in the great counsels of restoring one family, at an immense cost of happiness and life to all the rest, can seriously call upon the great body of liberal politicians, as a simple matter of duty, to emigrate, we cannot comprehend.

The only other topic in this preface of importance is one, that regards the composition of society, in America. The writer infers from the mode in which America was peopled, and from the nature of our institutions, that we are all, as he calls it, of the *third estate*. What the writer means is true enough; that we have no clergy, endowed by the government, and no hereditary nobility, constituting a first and second estate. But why this makes the aggregate of our society the *third* estate, may not be so clear. If there be neither a first nor a second, we perceive not how there can be a third. There is then but one estate; that is, every citizen enjoys an equality of political right, and all the consideration, which his character and standing give him.

We should not have been at the pains to rectify our writer's statement on this subject, did we not apprehend that the practical application of the truth, that we have no division of orders in society, has not yet fully been felt and made, even in this country. During the period which elapsed between the overthrow of the British government in the United States and the establishment of the various systems of government, in the various states of the Union, there was a pretty strong current, in favor of the

proposition, that there is, in the nature of human society a foundation for the threefold divisions of the *one*, the *few*, and the *many*. If this be taken merely as the enunciation of the proposition, that the various functions of government ought not to be collected into the same hands, it is a safe doctrine. But it is known to have had, in the minds of many, a far more extensive application; and to have led to the adoption of some provisions in most of our forms of government, which may hereafter appear not their most useful parts. On this great topic, we will not now enlarge. We will only state two authorities, deserving the consideration of the reader. Mr Burke argues against the principle, which forms the basis of the senatorial representation of Massachusetts, with great vigor, and, as we think, great success; although some of the arguments, which he presents against that principle, in the French republican constitutions, do not, we own, apply to us. Mr Jefferson has expressed the opinion, that the unlimited negative of the Senate is a defect in the constitution of the United States. We have, however, given more space to this German writer than anything in the nature of his performance requires; and we leave the effectual refutation of it to time and the steady progress of liberty and truth.

Art. V.—*Cuerpo de Leyes de la Republica de Colombia. Tom. I. Comprende la Constitucion y Leyes sancionadas por el primo Congreso Jeneral, en las Sesiones que celebró desde el* 6 *de Mayo hasta el* 14 *de Octubre de* 1821. 4to. pp. 267. Bogotá.

The constitution of Colombia resembles, in many of its great features, the constitution of the United States. Some of its most valuable provisions are copied almost literally from it. The executive power is confided to an officer bearing the name of President, elected for a limited time; a vice president is chosen to discharge the executive functions, on the death or resignation of the first officer. The legislative power is vested in two branches, each possessing, on all subjects purely legislative, a negative on the proceedings of the other; and both are elected for limited periods. The judicial authority is confided to a se-

parate body of magistracy appointed during good behavior by the Executive, with the advice and consent of the Senate. In these respects, which give the popular representative name and character to the two governments, they are alike, as they are also in many of the minor provisions, designed to give effect to these fundamental articles.

But there is one respect, in which the forms of government established by the two republics is so essentially different, that they cannot be considered as entirely bearing a common character, or a common name. The government of the United States is a confederacy of States, each reserving to itself unlimited powers of legislation on most local subjects, and on all subjects, of which the control has not been clearly surrendered, and maintaining distinct local legislatures for the exercise of these powers; they also have their Executive and Judiciary in full exercise of the ordinary functions of those departments. The federal government has the powers, which are granted by enumeration; these are generally such as apply to foreign relations, and general commerce. The government of Colombia is central, or consolidated. All the powers of legislation are confided to a single central legislature. There is nothing corresponding to the states, or local governments of the northern confederacy. The republic is divided into departments, and has also smaller subdivisions for the purpose of more convenient internal administration, but every officer is indebted for his authority, and owes responsibility, to the great central power, residing in the national metropolis. While the Congress of the one possesses all legislative power not expressly excepted, that of the other has none, which is not granted in a manner equally clear and formal. While the subjects, on which the one can operate, are as numerous and diversified as the wants of civilized society, those of the other are limited and specified. In the constitution of the United States, enumeration grants power; while, in that of Colombia, enumeration fixes the boundaries of a grant otherwise unlimited.

The patriots, who were assembled to frame a government for the Colombian Republic, met at a moment of anxious trial. The enemy was within the country; the patriot troops were unsubdued, but they were undisciplined and unpaid; the treasury was empty, and credit there was none. It may readily be believed, that no men ever assembled under circumstances less favorable to mature deliberation, and where there seemed to be less prospect of a judicious and happy result. From within, they had no

experience but what seemed to guide, and even to drive them to consolidation; from without, they had the light, which the constitution of the United States gave them. They made use of both, in the way in which the sense of pressing danger at home, and the high reputation of the federal constitution, induced them to believe was best for their country. They adopted the plan of a *central government*, borrowing from the constitution of the United States most of the important provisions, which could be engrafted on a government of that form. In some of these provisions, the southern statesmen have made improvements, which might be wisely adopted by the elder republic, while in others, they have manifestly fallen below their great original. These points of difference will form the subjects of some remarks as we proceed.

The form of government, ultimately adopted, was not the object of first preference, with those who guided the revolution in its early stages. Two controlling reasons led them first to the confederate form; the one was the brilliant example of the United States, and the other was the fact, that the confederate form would preserve to the provinces the separate independence, which many of them had declared. The present government was adopted under the firm belief, that the disasters, which had attended the revolutionary efforts, resulted in a great degree from the plan of association among the provinces before in existence, and that similar dangers could be averted only by the formation of a strong single government. Whether this opinion was well founded, or not, can now be no more than the subject of speculation; but to one, who has acquired a tolerably accurate knowledge of the state of things then existing, and particularly of the moral and political condition of the country, it is difficult to resist the conviction, that any other plan, than the one adopted, would have been extremely perilous.

The course, which the revolutionists have pursued from their first revolt, to the adoption of their present constitution, has been a gradual but constant march from the circumference to the centre of a circle. From the idea of independent governments, almost as numerous as the provinces in the country, they have gone successively, under the sense of the necessity of concert, through all the intermediate stages, to the adoption of a central government, and have suppressed all kind of authority not flowing from it. Not only in the countries now forming the Republic of Colombia, but in most other parts of Spanish America, the

first efforts towards independence were made by local, or provincial assemblies, seldom representing more than one or two small provinces, and sometimes not more than a single city. This was the necessary effect of existing circumstances. There was no such interchange of views, or of intelligence, between different parts of the country, as permitted the necessary agreement for assembling a congress of the viceroyalty, or of any large district. All seemed to be acting under one common impulse, yet it was an impulse not produced by concert, but by the simultaneous operation of a great common cause.

The next succeeding effort, after a declaration of independence, was to procure a general meeting of delegates, from the several revolting districts, to maintain the independence, which each had declared separately. But in some cases, in Colombia, each province designed to maintain its independent sovereignty, and to coalesce with others only for the purpose of expelling the common enemy. Entirely in this spirit, and with these views, Cundinamarca, Popayan, Carthagena, and Venezuela, declared themselves independent states. This disposition towards a federal union was universal; but the idea of a federal government, with some of them, extended only to a temporary one, which should expel, or subdue the enemy in the war, and leave to each its independence on the return of peace. An alliance offensive and defensive resembled much more nearly their conceptions of the nature of the connexion to be established, than any known form of government did. The idea of a permanent federal connexion soon succeeded, but with very vague and indefinite views of the nature of that connexion, or of the nature or amount of the power to be surrendered to the general government. The first formal union of the revolted provinces, took place on the seventeenth day of December, 1819, at Angostura, on the Orinoco, eight years after the royal allegiance was disavowed, during which time the war had been raging throughout the country. This was a union between the viceroyalty of New Grenada, and the captaingeneralship of Caracas, or Venezuela. The provinces, composing these two extensive districts, had previously abandoned their views of separate independence, and had become parts of the viceroyalty, or captaingeneralship, of which they were provinces under the ancient government. But this change of views and surrender of sovereignty, on the part of the provinces, were not in every case evidenced by any formal act; it seemed to come from the necessity of things, and they sent

deputies, and received orders from Caracas, or Bogotá, the seats of the new, as well as of the old government, without referring to, or seeming to remember, their solemn declarations of independence and separate government. Indeed, in some cases, no attempt was made towards maintaining that distinct independence, after it was declared by the provincial meetings; the powers of the deputies seemed to cease after that act, and the meetings were dissolved, as if everything was done; in other cases, where there was better concert among the chiefs, or greater confidence in their ability to resist the enemy, the appearance of independent action was longer maintained.

This fundamental act of union, between these two great departments, did not however yet designate the nature of the government to be established by them; it provided only for a temporary government, and the convocation of a general congress to form a constitution for the new republic created by the union. Very few of the chiefs, at that time, entertained views of a government, such has as been since adopted. When the necessity of union first became apparent, the minds of all led them to a confederation of states, or provinces. The example of the United States, and the glorious success of their efforts, had been heard of by all, and was too brilliant not to be admired. The example was recent, successful, and well known. It could not fail to produce a very general confidence, that it would succeed wherever applied. If there were any then, who saw in the different situations of the two countries, and in the different character of the population, any reasons to doubt the success of the same experiment in Colombia, they had but little success in communicating their opinions to the mass of those, who were the principal actors. The great facts only of the North American revolution were known or attended to.

The provinces, in the original renunciation of the royal authority, were influenced not only by a wish to throw off a distant and oppressive allegiance, but some of them by the desire of assuming the power and dignity of self government. The idea of assuming merely a provincial attitude, under any new form, was certainly not the first or favorite one. And although it cannot be affirmed, that a different course would in any case have been pursued, it may be safely asserted, that the zeal, which quickened many of the South American patriots to proclaim independence, under circumstances extremely dangerous to their lives and fortunes, would have been much abated, if the opinion

had prevailed, that they, with their provinces, were to become only parts of an empire, whose metropolis was distant, and in which they could only have a remote and partial share of the power and the honors of government. The time had not then arrived, in which it was possible to believe, that half a dozen provinces could not, without some controlling common authority, act sufficiently in union to sustain themselves against their enemy. All the predictions of defeat and disaster, under a connexion so frail, where the duties of each were loosely defined, and ill understood, were answered by a reference to the success of the United States, and to that confidence in self exertion, which is inspired by valour and patriotism.

Everything connected with the physical aspect of the country seemed to suggest the idea, or indeed impose the necessity, of independent action. Rivers long and broad, mountains lofty, and passable only at few and distant points, with wide spaces of uncultivated and savage territory, had made the inhabitants of the different parts of the country strangers to each other. There never had been, under the former dominion, any of that intimate association between the different provinces, which internal commerce and good roads would have produced, and which would now have contributed to unite the people, and cause them to look upon themselves as members of the same family. The Spanish policy had ever forbidden intercourse between different parts of the colonial dominions. No instance can be adduced, in which the inhabitants of one portion of a country had so little knowledge of the population, resources, or general statistics of any other portion, subject to the same common government, as those of the late dominions of the King of Spain in South America. There was very little communication, either for purposes of internal commerce or social intercourse. It was not believed that a loyal subject had any business away from his home; and no one, unless he was a civil or military officer, was permitted to travel beyond his canton, without the strictest interrogation as to his motives and business. It is, however, probable, that some of those very causes, which at first fostered the idea of separate and independent efforts, arising from the difficulty of communication between remote parts of the country, and the consequent tardiness in the arrival of intelligence, were those which at last demonstrated the necessity of a closer political union, and strengthened the conviction, that unless the disastrous effects of these physical circumstances could be obviated, by the estab-

lishment of a common central power, the patriot forces would be destroyed in detail. At what time the chiefs of the revolution became convinced, that their plan of government must be changed, is not known.

It is obvious, from the speech delivered by Bolivar to the Congress of 1819, that he then contemplated a government somewhat like the one since adopted. Very few, however, if any, of the political or military leaders, came to that conviction by any previous course of reasoning; the misfortunes of defeat, where there was no concert in action, and where hatred towards the enemy had not yet calmed in the chiefs all jealousy of each other, produced at last a general acquiescence in the necessity of forming a common government, which should control and direct the efforts of all. That general acquiescence resulted in the establishment of the present constitution. This happy event did not take place, until ten years after the commencement of the war, marked by alternate victory and defeat.

The Congress of Cucutá, generally denominated the *Constituent Congress*, assembled in the month of May, 1821, and concluded and published the constitution on the 30th of the succeeding August. Of the different opinions entertained by the members, on their first assembling, as to the nature of the political fabric to be erected, there is no written or certain account. It is understood, however, that the members were divided into three parties; first, those who preferred the form afterwards adopted; secondly, those who wished for a federal form resembling that of the United States; and thirdly, those who desired to establish a government somewhat like that, which existed in the United States under the articles of confederation. The advocates for this last scheme were few in number, and composed of such only, as still maintained the opinions common at the commencement of the revolution. It soon appeared, that a large majority favored a central, or single government; and it can hardly be doubted, that in the moral and political state of the country, great wisdom was shown in this opinion. The present constitution was adopted with almost entire unanimity. It was agreed to by many, who preferred the federal system as a permanent one, under the idea that this was necessary, during the continuance of the war, and that the return of peace would enable them to establish a different and more perfect form. To give this opportunity of judging by experience, and under circumstances more favorable for deciding wisely, what form

of government would be best suited to the people, a clause was introduced, which directs that after ten years, 'when all the advantages and inconveniences of the present constitution shall have been discovered, a grand convention of Colombia shall be convoked by the Congress to examine it, or reform it entirely.' *

The example of the United States had a most extensive and happy effect, in diffusing among the people of South America a love of political independence, and a confidence in their ability to maintain it; but it is certain, that the successful issue of the North American revolution, attained under the feeble government of the *Confederation*, had for a time an injurious effect, in the countries now composing the Colombian Republic, as it produced the unhappy and mistaken notion, that a similar result might there be attained under a similar government. This cause unquestionably conduced, with others, to delay the period at which an effective one was adopted.

This part of the great North American example would lead to disaster in every case, in which it should be relied on by *Spanish Colonists*. A serious difficulty would present itself at once, in the ignorance of the practical details of government. In South America, so far from there being any regular legislative body in each province, there was certainly not one individual, who had ever been a legislator, and probably not a dozen, who had ever seen a representative assembly in session. It would have been necessary, not only to institute the general government, but also to create the state governments, and, indeed, to create the materials necessary to constitute them. In North America, it was only necessary to unite the previously existing states by one general tie; in the South, they must have been first made, and then united. It is by no means certain, that these state sovereignties could have been instituted at all, and put in the proper exercise of their functions, during the war; but it is most certain, that with the materials, out of which they must have been formed, the whole machinery would have been of the rudest kind. These newly created legislatures would neither have had the skill, nor the necessary weight with the people, to give effect to their decrees. There were in the

* Despues que una práctica de diez ó mas años, haya déscubierto todos los inconvenientes ó ventajas de la presente Constitucion, se convocará por el Congreso una gran convencion de Colombia, autorizada para examinarla ó reformarla en su totalidad. *Art.* 191.

provinces but few persons, who had any familiarity with the principles or forms of legislation; and most of those, who were at all familiar with the forms of any kind of government, had gone off, or were in arms against the patriots. In the few cases, in which such persons remained, they were objects of distrust rather than confidence. It would have been difficult to create any local authorities, corresponding with the *States* of the North, and entirely impossible to make them correspond in anything but in name.

While this consideration of the subject was conclusive, with the Constituent Congress of Colombia, against the adoption of a government similar to the confederation of 1778, it was as justly conclusive, as things then stood, against a federal government under any form. In North America the only question was, Shall we unite the existing states under one common and federal head, or shall we consolidate them in one central government? But in Colombia there could be no such question; the only one which could be asked was, Shall we first make the states, and then unite them by a confederation? If these local sovereignties had not existed in the North, before the Revolution, nothing could have been more difficult, nor indeed more perilous, than an attempt to create them during the continuance of the war; and it is not likely, that such a design would have been entertained at all before the return of peace. It is not then to be wondered at, nor to be regretted, that the statesmen of Colombia did not attempt, during the raging of a civil war, to create a federal government; an attempt which would have involved the necessity of creating, at the same moment, all those subordinate powers, which, in the United States, had been the growth of two centuries. It must here be noticed, that although several of the provinces, in the territories now composing the Republic of Colombia, had, by meetings of the principal persons, declared themselves independent, still no legislative body, or regular government, was ever formed; in some cases, those who proclaimed independence never assembled again, and in others, they were the representatives only of the capital, while the country, jealous of the little authority assumed by the provincial metropolis, refused to send delegates.

The operation of the government, under its present constitution, has been thus far happy and successful. The public enemy has been expelled, and tranquillity has prevailed throughout the country. From the recent temporary movements in Venezuela

we apprehend no serious consequences. Considering the imbecility of Spain, and the strength of some of the departments of the republic, partial successes might have been expected, and no doubt would have been obtained against the enemy by provincial enterprises, without any form of general government, but final success would unquestionably have been retarded, perhaps endangered; and even yet some of the provinces would probably have been in possession of the Spaniards, if the present government had not been established. With the advantage of this concentrated power, simultaneous and successful efforts have been made against the enemy, at Porto Cabello on the Atlantic, and at Guayaquil on the Pacific, positions more than four hundred leagues distant from each other.

The party in Colombia, denominated the *Federalists*, is numerous, and composed of some of her most intelligent and worthy statesmen; and they look with some anxiety for the arrival of the period, when a convention is to be organized to take the form of government into consideration. All seem to assent to the propriety of letting the subject rest for the constitutional period. A little impatience has been manifested in Venezuela. The citizens of Caracas, who once saw their city the residence of a captaingeneral, and possessed of all the power and privileges of a metropolis, are not wholly reconciled to the condition of being deprived of everything resembling their former political consequence, and are almost universally the advocates of a system of confederated states, or departments. This opinion prevails also in Quito; nor can it excite surprise, that the inhabitants of those departments having cities, once the seats of political power, should not willingly see themselves so completely reduced to provincial insignificance. But if their views have been correctly represented, the system of government preferred by them would be the most unhappy, which could be devised. It is understood to be their favorite opinion, that the state should be divided into three great departments, corresponding with the ancient divisions under the Spanish government, that is, the viceroyalty of New Grenada, the captaingeneralship of Caracas or Venezuela, and the presidency of Quito; and that the chief cities of each should be the seats of the local government. Whatever danger there may be of a separation between the different parts of the republic, this would certainly be fostered and increased by such an arrangement; as thereby three great states, not very unequal in population and territory, would be created.

A more extended subdivision, one which would correspond in some degree with the states of North America, could alone be adopted with safety. In any division, making no more than three distinct departments, each would bear in strength and population too great a proportion to the general government. The difference between the whole and the parts should be much greater. The most judicious statesmen of Colombia think, that there can be no danger of separation, but from Quito or Venezuéla, and that such danger would be greatly increased by constituting them single states; they consider it desirable to render them weaker and more obedient members of the confederacy, by subdividing them into several states. It is understood that those of the Federalists, who prefer the more minute division, also prefer to have the government remain in its present form, rather than be changed into one, which should provide for three state governments only.

There are other points of difference between the constitutions of the United States and Colombia, which, although on important subjects, are not such as affect the general character of the governments, like the one just mentioned, but such as may afford interesting matter for examination and contrast.

In the constitutions of both, the power of declaring war is vested in the Congress. This act of sovereign power, involving greater expense of money and of human life, and every way involving greater responsibility than any other, which can be performed by a political assembly, is submitted most wisely to the whole body of the legislature. It was justly thought, that it would be in vain to withhold from the Executive, many of those branches of authority, which all free constitutions concur in denying to it, if this great power, embracing so many minor ones, and frequently producing consequences endangering the permanent happiness of the people, were surrendered to it. But, nevertheless, most of the reasons, which go to show the propriety of confiding to the Congress alone this high act of declaring war, show, as conclusively, that the power of making peace should be lodged in the same hands. Indeed, the one seems almost a necessary consequence of the other. An authority to place the nation in a state of war, and the authority to judge of the propriety of continuing it in that state, seem to be inseparable branches of the same power. The framers of the constitution of the United States have thought otherwise. While they have given the power of declaring war to the Congress, representing

the whole body of those who have to pay and fight, the policy of continuing the war, the treaty making power, as it is called is submitted to another tribunal, to the President and Senate. These, without consulting the House of Representatives, may impose on the nation a peace, and any conditions of peace, which their judgment, or caprice may dictate. And this may be done at any time after the declaration of war, before any of the ends are attained for which it was declared. The merit of superior wisdom and prudence is due to the constitution of Colombia, which submits the ratification of every treaty to the Congress, thereby avoiding the inconsistency of giving to one department the declaration of war, and to another the power of determining the propriety of continuing it; and avoiding also the collisions to which it may be justly feared, this distribution will ultimately give rise. In the whole range of legislation, there can scarcely ever occur any subjects more important, than those usually embraced in treaties. The commerce, the navigation, the entire interests of the nation may be regulated by them; a new direction may be given to the policy of the government, and the dearest interests of the people may be put in jeopardy by the terms of a treaty. A bill for erecting a lighthouse, or establishing a post road, cannot pass, except by the authority of the three branches of the legislature, exercised under its most tardy forms; and yet a treaty, involving more than the legislation of a whole session, is negotiated, concluded, and becomes positively and irrevocably binding on every member of the state, without the assent of his immediate representatives.

When the power of concluding a treaty, and judging of the terms of that treaty, which, when ratified, is the supreme law of the land, is exercised by the Executive, the legislative authority is deprived of one of its most essential attributes. Treaties frequently stipulate for the payment of large sums of money, or express conditions, the fulfilment of which requires new and extraordinary burdens on the people. If the legislature is under a legal or moral obligation, to raise the sums necessary for fulfilling such conditions, then it is deprived of the very power, which all free constitutions have designed to entrust to the legislature only, the power of raising public money, and judging of its disbursement. The constitution of Colombia does not exhibit this inconsistency. By giving to the Congress the treaty making power, it has rendered the whole system simple, safe, and consistent. The same authority, which gives the final ratification to a treaty,

passes the necessary laws for complying with its conditions. There is no resort necessary to one tribunal, to redeem the pledges of the public faith made by another; the case cannot occur, in which the popular branch of the legislature may be called on to comply with the stipulations of a treaty, the time and conditions of which, it may deem utterly hostile to the public interests.

It has been urged by some, that although true wisdom suggests, that we should oppose as many obstacles as possible to a declaration, which changes the attitude of a nation from peace to war, yet in returning to the state of peace, every facility should be given to the ratification of the treaty, by causing the consideration of it to pass under the ordeal of a single tribunal only. This, if true, would apply only to treaties simply of peace, whereas it is well known, that many others are negotiated and concluded, which impose burdens, and create taxes, but little less oppressive than those produced by war. The history of all ages declares to us, that the terms of a peace are frequently regarded as worse than war, and of course lead again to it, by the necessity of getting rid of the terms. But it may also be readily seen, that a war may be prolonged, and a peace, instead of being more easily obtained, may be postponed, by depriving the popular branch of the Congress of all agency in negotiating and ratifying the treaty; for in that way much of its just influence in procuring the treaty, and determining when the true ends of the war have been obtained, is lost. It may be said, that the war cannot be continued against the sense of the House of Representatives, in as much as that body may deny to the Executive the means of carrying it on, and thereby ensure practically its own proper influence in the government; but this would only go to show the superior simplicity and excellence of that constitution, which effects its objects directly, and not by compelling one branch of the legislature to come in collision with another.

No impediment is created in the negotiation of a treaty by multiplying the tests, to which it is to be subjected for its final ratification. The negotiation will be in every case conducted by the executive department, through its diplomatic agents, without any embarrassment from the authorities, which are ultimately to decide upon it. The treaty will be presented to the Congress for their decision, only after it has passed through all the ordinary forms. The language of all treaties declares on the face of them, that they are subject, for their final validity, to the ratifi-

cation of the sovereign power at home; there can be no delusion on the part of either contracting party. All treaties concluded by the authorities of Colombia declare, that they can receive their final obligation only from the assent of the President and Congress. In practice no inconvenience has yet arisen; the Congress has exercised its power of rejection in one case only.

The framers of the constitution of the United States seem not to have given to this high power, that prominent importance, which its true character demands; they seem rather to have considered it as incidental to the executive power, and to have supposed that all the necessary guards were placed, when it was enjoined that the Executive should act only with the advice and consent of the Senate. In the old governments, the ratification of treaties had always been deemed a power peculiarly belonging to the person of the chief magistrate; and the constitution of the United States, while, in requiring the acquiescence of the Senate, it shows an improvement on the ancient usages, does not yet seem to have attached to that power its true character. It was viewed under a different aspect by the statesmen of Colombia; instead of regarding it as a necessary and harmless appendage of the executive authority, they looked upon it as a great, independent power, considering truly, that there was no burden which it might not impose, no surrender which it might not make, nothing which it might not embrace; and measuring its importance in this way, they have guarded it accordingly, by granting its exercise to that authority only, to which is confided the power of legislation, the President and Congress.

There is another provision in the constitution of Colombia, which is deemed valuable as being auxiliary to the principal one. The authority is expressly given to the Congress to require the Executive to negotiate treaties 'of peace.' This clause cannot have any conclusive effect on the formation of the treaty, as the terms of it must at last be submitted to the ratifying power, but it presents an easy and constitutional mode of expressing the sense of the nation, at whose expense the war must be maintained, and for the assertion of whose rights only it ought to be continued. This provision seems to be a very proper and consistent part of the system; it gives an opportunity to one coordinate branch of the government, whose ultimate acquiescence is indispensably necessary for the adoption of the measure, to manifest its readiness to give the necessary concurrence to the negotiation of the other department.

The provision of the constitution of Colombia, declaring the President ineligible beyond a second election, until there has been an interval of one term, merits unqualified praise. An opinion has been entertained, that the political knowledge, and familiar acquaintance with the interests of the state, acquired by long service in office, render the continuance of such individuals as have these opportunities safe and desirable. It has been urged, too, that a proper regard for the stability of public measures, in the system of the administration, should forbid a frequent change in the person of the individual, who is placed at the head of the government, and of course has the control of the administration. But in governments organized as are those of the United States and Colombia, no dangers are to be apprehended to the state, from an unstable or vacillating policy produced by the change of the Executive, after the expiration of two terms or eight years. So far as skill in the high duties of his office, and practical familiarity with the interests of his country, are alleged as reasons for continuing the services of the same person, it may be truly said, that no individual can be elevated to the presidency in either country, without a long course of tuition and service, as a statesman, in the subordinate offices of the government. No splendor of talents, or local character, can avail him in seeking such an elevation, unless he is known to the nation, and known too by such a series of probationary services, as ensure a perfect knowledge of all the interests of his country. No new man can be raised to that dignity. It is not a station, to which he can be elevated to learn his duties, or to acquire the high knowledge necessary for fulfilling them. A deep conviction, that this knowledge has been already acquired, must have previously penetrated the minds of millions of his fellow citizens, on whom his election depends. The presidency will not be given for anticipated merits, nor as an incentive to future acquisitions; it is not barely a capacity to improve, but only a mind already improved and matured, that can be trusted with this station. It is not doubted then, that in every case of the expiration of a constitutional term, there will be many citizens of the republic as well qualified to discharge the duties of the office, as the one who has left it, citizens qualified by a long tuition in the same school of public services. All arguments used to show, that an individual must be continued in the presidency, because he has there acquired qualifications, or a fitness superior to others, are wholly unsound. The practice of the United States de-

monstrates, that no citizen can attain that station without age and long service.

In regard to the stability of public measures, which some think might be endangered by a frequent change of the chief magistrate, it may be asserted, that in a representative government, public measures do not receive their distinctive character from the Executive, nor are they principally dependent for their permanency on that department. The great scheme of political measures, which characterizes the administration, are such, as are suggested by the genius of the government itself, and not by the particular policy of the individual at its head. The views of different men on minor subjects of policy differ, as their degrees of wisdom differ, but the great system is suggested and controlled by the government itself. So far as the policy of the administration of the government can be varied, it is subject to be varied much more by the legislative than by the executive department. It is the legislature, of which the President is a constituent, but not a controlling member, that gives character to the public measures of the government. A President, who does his duty and no more, can only execute the system, of which he may have been an adviser, but which must have been principally instituted by the other department. So long as he shall confine himself within the boundaries of his prescribed duties, he cannot institute any policy in the administration, which may not be pursued and completed by other wise and disciplined statesmen, as well as by himself.

While, then, there are no positive reasons for continuing the same individual in office for a great number of years, there are dangers resulting from it, which render a positive interdiction on the face of the constitution a very high recommendation, and of course the absence of such a provision, a just cause of regret. That the possession of power gives an increased inclination for its enjoyment, and a disinclination to abandon the situation, which ensures that enjoyment, the history of man too unfortunately proves. It is equally true, that the apparent probability of succeeding in attempts to retain it, beyond the legitimate period, excites, if it does not create, the inclination to attempt it. The few cases, which the course of time presents, of rare individuals, who have voluntarily resigned supreme power, under a sense of its burdens, afford no argument against the truth of the general position. These exceptions can be regarded only as ornaments to beautify the page of history.

The long enjoyment of supreme power weans the possessor from popular attachments, breaks that sympathy arising from common feeling and common interest, which he once had from equal association with his countrymen, gives to his mind the habits only of command, and causes it to revolt at the idea of obedience and a private station. When he sees no constitutional barrier to the retention of this power, his good dispositions may induce him to believe, that he can continue to exercise it beneficially for his country, and his bad ones, if he should unfortunately have any, will too certainly come in to delude and excite him. Government itself is rendered necessary, only by the frailty or viciousness of men; and when the constitution of the government, by the omission of a guard, invites or enables an ambitious incumbent to indulge his passion for power beyond its lawful ends, a material defect exists. Political science has invented various expedients to counteract this very natural inclination to acquire, and the too common inclination to abuse and continue power; and none seems so salutary and simple, as one which shall refuse to the possessor such a protracted enjoyment of it, as would enable him afterwards to hold it against the public opinion.

Although, in the American republics, the executive authority is so limited as to embrace only a part of the powers, enjoyed by the supreme magistrate in the monarchies of Europe, still the powers confided to it are necessarily very great; the patronage of the Executive extends to the appointment of all officers in the government; it embraces, either directly or through channels of subordination to be traced to it, the whole annual expenditure of the government. These annual disbursements are already considerable, and if these nations increase in wealth and population, in the proportion which their present prosperity seems to indicate, in a few years the amount of public money to be expended at the will of the President, even for fair and authorized purposes, will be very great. There will be then in the hands of the chief officer of the Executive, a patronage so great, that if used with that design, an influence may be acquired by long enjoyment, dangerous to the liberties of the people, and menacing the true balance of the constitution. It must be remembered, that all the officers appointed by the President, and their numberless dependants, are interested in his continuance in office; many of them certainly would be, and all of them might be, displaced by successful competitors. It may then fairly be as-

sumed, that in a competition of this kind, the great body of the officeholders, and their dependants, would ally themselves in favor of the reelection of the actual occupant. It is impossible to believe, that this state of things would leave the competition equal, or ensure to the disinterested part of the community a fair opportunity of securing the object of their choice. No mode seems so simple, and so certain to avert these consequences, as a provision in the charter of the government, declaring that the same person shall not be eligible after a given number of years. If these apprehensions can be justly entertained in a federal government, like that of the United States, where many of the ordinary branches of executive authority are in the hands of the state functionaries, there certainly would have been danger in permitting the reelection of the President for an indefinite succession of terms in Colombia, where to all the patronage possessed by the President of the United States, he unites that possessed by the governors of the states.

But while the Colombian constitution can boast its superiority over that of the United States, in having this valuable provision for limiting the number of terms in the executive office, another principle of a very different kind has found admission; one not only omitted in the constitution of the United States, but which may be regarded as entirely hostile to the opinions generally received, of the duties and powers of a legislative body in a limited government. It is declared that, 'Congress shall have power to determine whatever doubt may arise upon the meaning of any of the articles of this constitution.'* This is a power which must be considered as particularly objectionable; it would be dangerous with the best, and ruinous with a corrupt Congress. It is but fair to say, that some of the politicians of the United States hold the opinion, that the Judiciary does not possess the power of declaring a law void for its repugnance to the constitution; and the inference seems to be, that the legislature would in that case be the uncontrollable judges, not only of the expediency of the law, but also of its conformity to the constitution. To prevent that utter and general confusion, which would follow, if there was no tribunal to declare whether a law was justified by the constitution or not, it is indisputable that if this power is denied to the Judiciary, then the Legislature must be considered as giving the true construction in passing the law, and all other depart-

* El Congreso podrá resolver cualquiera duda que ocurra sobre la intelijencia de algunos artículos de esta Constitucion. *Art.* 189.

ments, and all the citzens of the state must obey it, until it is repealed.

In the opinion of some statesmen, indeed, this is the only remedy existing in the case of an unconstitutional law. They say that the people must change the law by changing their rulers, but that until this be done, no tribunal can pronounce it void. Of this consequence there can be no doubt, if to the Judiciary is denied that power. But happily these opinions are confined to few. Not only the courts of the United States, but the people have long cherished the safe opinion, that the judicial department does rightfully possess the authority of determining, whether a law passed in its usual forms is permitted by the constitution. This in fact is the only doctrine, which can be tolerated in a limited government; the government would otherwise cease to be limited, as the legislative authority would draw within its vortex all other powers. The boundaries prescribed would cease to be a safeguard, when the authority to be limited is itself the judge of the meaning and extent of the limitation. All restraints upon authority are prescribed, on account of some jealousy of the body to be restrained; but the whole design is frustrated, whenever that body is permitted to judge without control, of the extent or construction of these bulwarks. Even with just men there is a disposition to believe, that public injury will not result from the exercise of power by them, and hence comes the inclination of all bodies to enlarge the sphere of their action, by giving a liberal construction to their own powers in all doubtful cases.

The observations of Mr Jefferson, made to illustrate the defects of the constitution of Virginia, may be well used to show the character of a government, in which the authority of the Legislature is limited only by the opinions or forbearance of those, who exercise it. He says

'All the powers of government, legislative, executive, and judiciary, result to the legislative body. The concentrating these in the same hands, is precisely the definition of despotic government. It will be no alleviation, that these powers will be exercised by plurality of hands, and not by a single one. A hundred and seventythree despots would surely be as oppressive as one. Let those who doubt it, turn their eyes on the republic of Venice. As little will it avail us that they are chosen by ourselves. An *elective despotism* was not the government we fought for; but one which should not only be founded on free principles, but in which

the powers of government should be so divided and balanced among several bodies of magistracy, as that no one could transcend their legal limits, without being effectually checked and restrained by the others. For this reason that convention, which passed the ordinance of government, laid its foundation on this basis, that the legislative, executive, and judiciary departments should be separate and distinct, so that no person should exercise the powers of more than one of them at the same time. But no barrier was provided between these several powers.'

'If therefore the Legislature assumes the executive and judiciary powers, no opposition is likely to be made; nor if made, can it be effectual; because in that case they may put their proceedings in the form of an act of Assembly, which will render them obligatory on the other branches. They have accordingly in many instances decided rights, which should have been left to judiciary controversy; and the direction of the Executive, during the whole time of their session, is becoming habitual and familiar. And this is done with no ill intention. The views of the present members are perfectly upright. When they are led out of their province, it is by art in others and inadvertency in themselves; and this will probably be the case for some time to come. But it will not be a very long time. Mankind soon learn to make interested uses of every right and power, which they possess or may assume. The public money and public liberty intended to have been deposited with three branches of magistracy, but found inadvertently to be in the hands of one only, will soon be discovered to be sources of wealth and dominion to those who hold them.'

'Human nature is the same on every side of the Atlantic, and will be alike influenced by the same causes. The time to guard against corruption and tyranny, is before they shall have gotten hold on us. It is better to keep the wolf out of the fold, than to trust to drawing his teeth and talons after he shall have entered.' *

It has been said, that the oath of the legislator, and the right of the people to change their rulers by election, form the legitimate securities against the passage of laws not authorized by the constitution. But the oath of the legislator is never introduced, or relied on, as an effectual, independent guard; it is only considered an auxiliary defence against transgression, operating on the mind of a conscientious, or timid man. From the very nature of an oath, while it gives security, with honorable men, against the wilful perversion of power, it can give none against

* Jefferson's Notes, Chap. xiii. *Constitution.*

their ignorance or inadvertence; and, what is much more important, it gives none in the very cases in which it is most required, in cases of bold and hardened vice. But it frequently may happen, that laws will be passed in violation of the constitution, without any imputation on the honesty or moral purity of the members; political excitement, the violence of party, or sheer inadvertence may produce this result. In those cases, the intervention of another tribunal, where the feelings of the members have not been enlisted in party controversy, whom the angry collisions of popular debate have never reached, whose official situation is permanent and independent, who can have no unworthy motive to abridge or enlarge the powers of the Congress, and whose previous education fits them for judicial investigation, is necessary to declare to the country, whether the true boundaries of granted power have been observed by those, who were entrusted with its exercise. Without the interposition of a firm judicial tribunal, there can be no permanence, or uniformity, in the construction given to the constitution. The legislative body is liable to frequent changes in the persons of its members, and constructions given by one Congress may be frequently changed by the next. The constitution will cease to be stable and certain in its meaning, under the multitudinous and ever varying expounders. What is constitutional now, may no longer be so after the next election. This will be the unavoidable result, without ascribing to the Congress any character but that, which belongs to all numerous representative bodies.

It cannot be admitted, that the power reserved to the people, at their periodical elections, of ejecting their old and electing new rulers, by whom the objectionable law may be repealed, is sufficient to avert the mischievous consequences, flowing from a denial to the Judiciary of the right of declaring it at once unconstitutional and void. The security furnished to the people by the elections in Colombia is distant, and inadequate when applied; it may produce the repeal of the law, but it cannot prevent its present operation and mischiefs. And, moreover, the repeal of a law does not place things in the situation, in which they were before its passage; by the passage of a law, many rights are created or affected in a great number of ways, which must still continue to have an existence, after the law has been stricken from the statute book. Indeed, this consideration alone is sufficient to show the manifold mischiefs springing from the doctrine, that the Judiciary cannot declare void a statute violating the consti-

tution. If this cannot be done, then valid rights can be created by such statutes, which must be enjoyed inviolate, and may continue to be so enjoyed for years after the public sentiment has been pronounced against the violent act, which gave them existence. And it appears from this view of the subject, that the effect of a law upon the interests of society would be precisely the same, whether it were permitted or forbidden by the constitution. For if it be once conceded, that the judges cannot pronounce a statute void in any case, then they must execute every law passed by the legislature and presented to them, until it is repealed by the same authority which enacted it; and this is true even if it should be a bill of attainder, a law manifestly *ex post facto*, or one declaring that there might be a conviction in a trial for treason on the testimony of one witness.

To each house of the Colombian Congress is granted the usual power of punishing or expelling a member for improper conduct. But to this salutary and necessary power, is added one which must be considered pernicious, and subversive of the rights of election. To each branch of the legislature is given, not only the power of expelling a member, but, also, on a vote of two thirds, of declaring him unfit for 'holding any other office of trust or honor in the republic.'* This is a power, which neither the constitution of the United States, nor of any of the states in the Union, has given; in almost every case the power to expel a second time for the same offence is expressly denied. This is denied on the principle, that when the offence or criminal charge is known to the people, and they still think proper to reelect the person expelled, he has then passed the final ordeal; and that no legislative body can disqualify a man for the public service, upon whom the people have passed their sentence of approbation or of pardon. Large representative assemblies have never been distinguished for freedom from caprice or passion; and to give to an assembly, constituted as they ever must be, an authority to disqualify a citizen for

* Cada cámara tiene el derecho de establecer los reglamentos que deba observar en sus sesiones, debates, y deliberaciones. Conforme á ellos podrá castigar á cualquiera de sus miembros que los infrinja, ó que de otra manera se haga culpable, con las penas que establezca; hasta expelerlos de su seno y declararlos indignos de obtener otros oficios de confianza, ó de honor en la República; cuando así se decida por el voto unánime de los dos tercios de los miembros presentes. *Art.* 56.

holding a seat in it, or for any other public station, is conferring a power unusual and dangerous. The worthiest citizen, in times of public excitement and party heat, might, by this parliamentary ostracism, be cut off from public usefulness for ever. And this power seems to be still more objectionable, when it is remembered, that expulsion may be, and frequently is, applied in punishment for offences, in no way infamous; and that expulsion generally takes place upon a single vote, without those delays of form and time, which are prescribed for the passage of ordinary laws. In this way some of the severest penalties of an attainder might be visited on a citizen, not by the legislative authority of his country, but by one branch of the legislature; a high punishment might be imposed without the sanction of a court of judicature, or any manner of judicial proceeding.

In the organization of the two houses, constituting the Congress of Colombia, other principles are admitted, which are liable to strong objections. The senator, or representative, is not necessarily a resident of the department or province which he represents; he is eligible not only from the department in which he resides, but also from the one in which he was born, although he may not have been in it since the days of his earliest infancy. That the representative should be an inhabitant of the state, or department for which he is chosen, seems essential to ensure most of the purposes of his election. Otherwise he may be a nominal and legal, but he cannot be a real representative of his constituents; he may bind them by his votes and his acts, but he cannot represent their feelings or interests. In a government embracing a great extent of territory, it is in vain to expect that the representative principle can be brought to its perfect practice, unless this principle of subdivision is also applied. If under the omission of this principle, it should happen that most of the members should come from the same part of the country, leaving some other parts without a resident deputy, there would result a manifest ignorance of the wants and situation of many of the citizens of the republic. And when this should occur even in one instance, a portion of the people would be left without that direct and immediate representation, which is essential to present, explain, and enforce their rights, because under such circumstances they could not be adequately felt or known. But it may be said, that the people themselves will create the best defence against such an evil, by not electing any one, who is not a resident of the district to be represented. The experience of

Colombia already contradicts this; cases have occurred in which this rule, so obvious and salutary, has been disregarded. An argument, which would go to show that local residence in the member might be safely dispensed with, under the idea that a sufficient security would always be found in the good sense of the people, would go too far; such an argument would prove, that all constitutional qualifications might be dispensed with, and that the knowledge possessed by the constituent of his own interests would protect him against an improper selection. Unfortunately all experience contradicts this; even when his good sense in the selection is aided by multiplied guards and qualifications, he is not always able to protect himself against an injudicious choice. This has been the opinion of the wisest statesmen. We see that the framers of all modern constitutions have thought it useful to declare, that the high officers of government, whether belonging to the executive or legislative department, should have prescribed qualifications either of age, residence, or citizenship. Although in a government, in which the principles of civil liberty are well understood, and education is generally diffused, it is known that great and just reliance can be placed on the judicious exercise of the elective franchise by the people, still he would be deemed a most adventurous politician, who should advise, that all constitutional qualifications should be dispensed with in the elected.

The example too of Great Britain proves to us, the necessity of chartered protection in this case. A very large portion of the members of the House of Commons are not residents of the districts for which they are chosen; this may not be regarded as a great inconvenience, where the whole territory embraced by the government is small, and the inhabitants of each part of it may be supposed to have a competent knowledge of the interests of the others; but it is cited to show the facility, with which elections may be secured by persons having no connexion, by residence, with the electors; and to show that the good sense of the people should never be considered above protection, by judicious constitutional guards.

There is another provision connected with this subject, which places the representative still farther from his constituents. It is declared 'that the senators and representatives hold their character for the nation, and not for the department, or province, which elects them; and that they are not to receive orders or instructions from the electoral assemblies, which can only pre-

sent petitions.'* It is not at all necessary to go into an examination of the propriety of such a provision in the constitution of the United States, or into the question whether such a principle exists without any special provision, as here the representative must be a resident of the state, and, in practice, is almost invariably a resident of the district, which elects him. Imperative instructions to a member, so intimately connected with his constituents by interest, feelings, and residence, could rarely be necessary. But in those cases, in which the representative resides beyond the limits of his department, or province, there seems to be no adequate mode of making him fully acquainted with the interests of his constituents, or indeed of securing anything like a just representation of them, but by subjecting him to mandatory instructions, on those occasions, which they may deem sufficiently important to require them. Where the residence is distant, and there can be no intimate knowledge of the concerns of the people, no very strong inducement to undertake or pursue them, and no constitutional mode of coercing obedience, there is left very little of the substance or theory of representation.

A principle still more objectionable has found admission into this constitution. In violation of that fundamental distribution of the supreme power, into the three great departments, legislative, executive, and judicial, which is declared in the usual language, officers belonging to one of those departments, may, also, with a few exceptions, be officers of either or both of the others. It is but just to state, that these exceptions embrace the President, Vice President, the different Secretaries, Intendants, and those other officers who may be excepted by law. The duties and the emoluments of the first station are suspended, on the acceptance of the second, but the office is not resigned, nor vacated, and may be resumed at pleasure. In this way an officer of the army, or of the customs, may be a foreign minister, or a member of Congress. This principle is fundamentally wrong, and particularly dangerous in its application to members of Congress. They should hold but one office; all other officers are subject to their legislation, and when they are legislating on the duration, annual salary, or contingent emoluments of an office

* Los senadores y representantes tienen este caracter por la nacion, y no por el departamento ó provincia que los nombra; ellos no pueden recibir órdenes ni instrucciones particulares de las asembleas electorales, que solo podrán presentarles peticiones. *Art.* 64.

of which they hold the ultimate ownership, and the duties of which they may immediately resume, they are acting for themselves. And, without supposing actual corruption, there is certainly an entire absence of that freedom from all improper temptation, which should exist.

In the Congress of Colombia, under the sanction of this clause, are many officers of the army, and several of the navy. The Vice President himself, who has almost ever since the organization of the government discharged the duties of the supreme Executive, is a general of division in the army; Commodore Padilla is a member of the Senate; and Sucré, the victor at Ayacucho, is a senator, general of division, and minister plenipotentiary to Peru. Although their military powers are entirely suspended, while they are discharging those civil functions, yet, whenever the interests, or supposed rights of the army or navy, become subjects of legislation, the people may well fear, that human infirmities will display themselves to their cost and injury. Under the most favorable circumstances, a victorious and unpaid army presents many dangers to its country, at the close of a revolution; but when the supreme legislation is in any degree in the hands of that army, there is ground for apprehension, that its permanent footing will be fixed on foundations, nowise favorable to that complete subordination to the civil authority, which is essential to the liberties of the people.

It is gratifying to know, however, that the civil duties, assumed by military men, have been so far discharged with great propriety, and apparent disinterestedness. A very wholesome jealousy of military influence has been diffused among the people, and the elections will go far towards correcting the palpable defect of the constitution. The admission of the military into the two houses of Congress has been ingeniously vindicated, upon the alleged necessity of opposing them, and their liberal opinions, to the influence and illiberality of the clergy. If the admission of the clergy was unavoidable, as it is said to have been, then, indeed, the objection against permitting officers of the army to have seats in the legislature, is much weakened. All the most liberal and judicious schemes, for the melioration of the country, have been supported by the military. They have been generally the advocates of abrogating the old monopolies and repealing the burdensome export duties, and have made some most salutary inroads upon the ancient system of tithes and

other ecclesiastical dues. Few will doubt, however, that the constitution should have interdicted the admission of the clergy, the military, and all others holding office, to seats within the walls of the Congress. In the constitution of the United States there is no such prohibition, as it regards the ministers of religion; nor was it at all necessary; we had no national religion, nor was there a probability that any particular sect would gain such a predominance, as to create a system of legislation favorable to itself, and burdensome to the body of the people. But in Colombia, although there is happily in the constitution an entire silence on the subject, yet there is in truth a national religion, supported in practice and by the ordinary laws as such. A numerous and powerful body of clergy is sustained, under the laws of the country, by taxes imposed upon the people, in the very burdensome shape of tithes.

In regard to this subject of eligibility to office, there is an extraordinary omission in the Colombian constitution. No provision is made for preventing a member of Congress from accepting an office, created during his term of service. In republican constitutions, it may justly be deemed an object of solicitude to free the mind of the representative from the hopes and fears, which may divert him from an independent devotedness to the interests of his constituents. One of the most obvious means of promoting this intellectual independence, is to make him ineligible during his term, to any public post created while he is in office. In the constitutions of several of the North American states, this salutary caution is carried so far, as to render the member ineligible for one year after the expiration of his term. This is considered as the perfection of the principle. In that case no inducement is held out to the representative, either immediate or remote, to desert the interests of those, whose interests should ever be regarded by him as superior to his own. The honor of a representative may be a sufficient safeguard against the desertion of his trust, but when you bind both his honor and his interest, you then have all the guaranties, that human prudence can give; and when the liberties of a people are involved, less than all should never be considered as enough.

The qualifications, which give the *right of suffrage* in Colombia, are the following. The individual must be a Colombian, native or naturalized; of the age of twentyone years, or be married; he must be able to read and write, although this

qualification is not to be demanded until the year 1840; he must have a real estate of the value of one hundred dollars, or have some office, profession, or trade, not being dependent on another as journeyman, or servant.

And the *right of suffrage is lost*, by taking any employment under another government without the leave of Congress; by any judicial sentence imposing an infamous punishment, until the individual is restored by law; by a person selling his vote, or buying that of another, either for himself or a third person.

And the exercise of *this right is suspended*, in lunatics; in vagabonds and insolvents, declared such by law; in all those against whom a criminal prosecution is depending, until they are acquitted, or condemned to a punishment not infamous; in debtors to the public treasury.

To be eligible to the *House of Representatives*, the candidate is required to have all the qualifications of a voter; to be at least twentyfive years of age; to be a resident, or native of the province for which he is elected; to have been a resident of the republic for the two years next preceding his election; to possess a real estate of the value of two thousand dollars, or have an annual income of five hundred dollars, or be a professor of some science. Those, who are not natives of Colombia, must have been resident eight years in the country, and have a real estate of the value of ten thousand dollars.

A *senator* is required to be thirty years of age; to be a resident, or native of the department for which he is elected; to have been a resident of the republic for the three years next preceding his election; to be owner of a real estate of the value of four thousand dollars, or to have an annual income of five hundred dollars, or to be a professor of some science. Those who are not natives of Colombia must have been resident twelve years in the country, and have a real estate of the value of sixteen thousand dollars.

The *President* and *Vice President* must, in addition to all the qualifications of a senator, be citizens of the republic by birth.

The *elections of members* of the two houses of Congress, and of the President and Vice President, are in no case made immediately by the people, but by electors chosen by them every four years. These electors assemble at a designated place in each province, and proceed to vote for a President, Vice President, four senators (the number to which each department is entitled), and as many representatives as the province, by its population, is

authorized to elect. In the case of the representatives, the balloting continues among the electors, until the requisite number shall have received a majority of all the votes given. But with regard to the other officers to be elected there is to be but a single ballot among the electors; the register of the vote is then sent to the Congress, and opened in the presence of both houses, and those persons, who, upon comparing the aggregate votes of the provinces, have the constitutional majority, are declared duly elected. When the full number, to be elected as senators, have not the required majority of the votes from the provinces composing one department, the members of both houses of Congress, voting *per capita*, elect the deficient number, one by one, from the three highest on the list.

In the *election of the President*, no one is considered as chosen, unless he have a majority of two thirds of all the votes given in the electoral colleges. When no person has received that majority, the President is elected by the Congress from the three candidates highest on the list. This mode differs in one essential point from that prescribed in the constitution of the United States, and in that difference it is unsusceptible of vindication. In requiring a vote of two thirds of the electors to secure the election, the influence of the people is greatly diminished, as the choice is almost certainly removed from them. In almost every case a resort must be made to the Congress; a course which is only to be justified, when there is a great diversity of opinion among the people, and which should never be thought of, when any one candidate has an absolute majority. The mode of election also differs, in allowing to each member of both houses one vote; this difference, however, results from the original difference in the frame of the government. Although the senators represent distinct departments, these departments are nothing more than convenient divisions of territory, created by the Congress, with none of the attributes of the states of the North.

The regulations with respect to the *election of the Vice President* are, in every particular, similar to those in the election of the President. Except when the Vice President is called on to administer the government, on account of the absence, or death of the first officer, he is a member of the Executive Council. He does not preside in the Senate.

The members of the House of Representatives continue in service for four, and the senators for eight years. The senators are so arranged that one half of that body is renewed every four

years. It is perhaps impossible to fix with precision the exact time of service, which is most favorable to the liberties of the people, and the proper independence of the representative; but it may be doubted whether the duration of the term, as designated in the constitution of the United States, could be increased, without removing the representative farther from the control of the people, than would be consistent with that responsibility, which he owes to them. So far, therefore, as there is a deviation from that term, it is believed that the Colombian constitution has failed in attaining the excellence of the other. In the election, too, of the members of the House of Representatives, the removal of the immediate choice from the people cannot be vindicated. The election of the popular branch of the legislature, directly by the people, has ever been deemed the simplest and the purest mode of selecting the members of that body. A just sense of their consequence in the government is infused into the people, only when they see, as the principal actors in it, those who derive their authority immediately from themselves, and with whom they have some personal acquaintance. Any system, which denies to the citizens of the commonwealth generally, all agency in the immediate election of their representatives, would go far towards estranging all feelings of favor from the government, would produce a dangerous indifference towards its administration, and ultimately cause them to regard it as a distant and alien one, which merited little care for its support and continuance.

The apportionment of representation is regulated by the following rule; every thirty thousand souls in each province entitles it to a member, until the number in the House of Representatives shall equal one hundred, but when there is an excess, or fraction, of fifteen thousand, an additional member is allowed to the province; when that given number in the representation of the house is reached, then forty thousand inhabitants is assumed as the ratio, until the number is increased to one hundred and fifty; and afterwards, fifty thousand souls are necessary for a member. This regulation is considered as a very happy one. It has the effect of preventing entirely that angry dissatisfaction which occurs whenever an apportionment of the representation takes place, produced by the apparently harsh operation, which the assumed standard must have in particular cases. When the rule is fixed in the constitution, there is nothing left for the legislature, but to apply it. This regulation has the effect, too, of postponing,

for a great number of years, the time at which the House of Representatives can arrive at an inconvenient number. The provision would have been greatly improved, however, by fixing a maximum, beyond which the number could not in any event go.

The republic is divided into twelve departments, each of which is entitled to four senators.

The *power of impeaching* is in the House of Representatives, and that of trial in the Senate, who convict upon a vote of two thirds. When the Senate is sitting as a court of impeachment, it may call upon the members of the high court of justice to assist it on judicial points.

The rules, which govern the houses in the discharge of their legislative duties, are such as are usually observed in assemblies of that kind. The Congress meets on the second day of January each year. The session can only continue for ninety days, unless it is prolonged for thirty days more by a vote of both houses; beyond that period the session cannot be continued. The President can convoke both houses, whenever he may think the public service requires it.

The attributes and duties of the Executive do not materially differ, from those assigned by the constitution of the United States to the President. The power of putting the negative on the passage of a law is the same, except that in Colombia, when a bill has passed both houses as *urgent*, it must be signed, or returned by the Executive within two, instead of ten days. The President of Colombia can, in cases of capital conviction, pardon or commute the punishment, only in concurrence with the judges who presided at the trial. He may suspend from their employment any unfit or delinquent officer, but must forthwith give advice thereof, and the reasons of his proceeding, to the proper tribunal for prosecuting or impeaching. He cannot command the army in person, unless with the assent of the Congress, and in that case, the civil duties of the Executive are to be immediately assumed by the Vice President. He cannot go beyond the territory of the republic, during his presidency, nor for one year thereafter, without the leave of the Congress.

An *Executive Council* is provided by the constitution, composed of the Vice President, one of the judges of the high court of justice, and the four Secretaries. The President is authorized to take their advice on all subjects, on which he may require it; but he is imperatively required to take their written opinions in the following cases, namely; in the consideration of

a bill, which has passed the Congress, and is presented to him for his signature; in taking the preparatory measures for conducting a war; in nominating to the Senate foreign ministers and military officers; in making all appointments in the recess of the Senate; in suspending an officer for unfitness or improper conduct; in granting pardons; and in declaring martial law, which he is authorized to do in case of insurrection, or sudden invasion, in which case the Congress is to be immediately convened. The President is, however, not obliged to follow their advice in any case; but a register of all their opinions is to be preserved, and presented annually to the Senate for their examination.

The creation of this Council was no doubt designed to aid the Executive in the discharge of his high duties, and also to operate as a check on any wilful or capricious exercise of his powers. The necessity of keeping a record of those opinions, and particularly the obligation to present a copy of them every year to one branch of the legislature, will go far towards preventing any violent or corrupt conduct in the Executive; and especially when it is known, that each member of the Council holds his office by a tenure entirely beyond the control of the President. All of them, except the Vice President, owe their original appointment to his nomination, but none of them are removeable by him. Notwithstanding these apparent advantages in the organization and power of the Council, in preventing the adoption of hasty and unconstitutional measures, it may well be doubted, whether the tendency of it, under its present organization, be not more injurious than beneficial to the public affairs. Any system, which compels the Executive to receive, and submit to the Congress, the opinions of those who are not responsible to him, must have an unhappy effect upon the exercise of his public functions. He is at last the responsible person to the nation, and to the Congress, for the measures which he shall adopt, and, under the virtual control of an irresponsible Council, his mind cannot be so independent and free to pursue its own dictates, as it will be, when he is held to answer for every thing which is done or omitted. When an officer is not permitted to protect himself under the advice which he receives, more injury than good will result from compelling him to hear it, especially when he is farther compelled to promulgate it.

The *Secretaries* are required to give to the Congress, upon the order of either house, written or oral expositions on all subjects connected with their departments. This power is frequently

used by the Congress; the Secretary of Foreign Affairs is called on, to give explanations of the views of the Executive upon subjects of foreign negotiation, and to vindicate the policy of treaties and other conventions, offered for the ratification of Congress, whenever it is thought necessary. The other secretaries are also frequently introduced under the order of the house, to explain anything within their duties, that may not be understood or approved.

With regard to the foundation, on which the *Judiciary* is placed, no particular observation is necessary. The Judges hold their office during good behavior, and receive a fixed annual salary. In the appointment of them, however, a mode is pursued somewhat unusual, and designed to ensure the most unexceptionable selections. Three persons are nominated by the President to the House of Representatives, the house reduces the number to two, and presents them to the Senate, from whom that body designates the judge.

For purposes of internal administration, the republic is divided into *Departments*, the number of which is to be regulated by Congress. Over each of these an officer presides, denominated an Intendant. Each department is divided into *Provinces*, over which a Governor presides. These provinces are again divided into *Cantons*, and these into *Parishes*. In these are officers denominated Alcaldes, answering very much to justices of the peace in countries where the common law prevails. The Alcaldes have jurisdiction, not only in judicial matters of small amount, but also in matters of police.

As the powers of the government of Colombia do not depend, for their existence or extent, upon any specific grant in the constitution, but all are embraced, according to its theory, which are not positively denied to it, the list of interdicted powers becomes much more important, than the corresponding interdictions in the constitution of the United States, where they have been introduced, not as essentially necessary, but only through abundant caution. The constitution opens with a declaration indicative of the sense, which its framers had, of the magnitude of their duties, and of the high situation in which they stood;

'We the representatives of the people of Colombia in General Congress assembled, fulfilling the wishes of our constituents, to fix the fundamental rules of their union, and to establish a form of government, which may secure to them the blessings of liberty,

security, property, and equality, so far as it is given to a nation so to do, which is commencing its political career, and is as yet struggling for its existence, do ordain and declare the following CONSTITUTION.

'The Colombian nation is forever and irrevocably free and independent of the monarchy of Spain, and of every other foreign potentate or power; nor is it, nor shall it ever be, the patrimony of any person or family.

'The sovereignty resides essentially in the nation. The magistrates and officers of government invested with any kind of authority, are its agents or deputies, responsible to it for their public conduct.

'It is the duty of every Colombian to live obedient to the constitution and the laws; to respect and obey the authorities, which are its organs; to contribute to the public expenses; to be ready at all times to serve and defend his country, and to make to it the sacrifice of his property, and of his life, if it be necessary.'

We here present the substance of some of the provisions, intended to secure the rights of person and property to the citizen, against all attacks from the constituted authorities, as they are found under the *eighth title* of the constitution.

'Every Colombian has a right freely to write, print, and publish his thoughts and opinions, without any previous examination or revision, he being responsible to the laws for the abuse of this precious liberty.

'The liberty, which every citizen has of claiming his rights before the proper tribunals, shall never be obstructed or limited; on the contrary, he shall find a prompt and secure remedy in the laws for any losses, or injuries, he may sustain in his person, his property, his honor, or his reputation.

'Every person shall be presumed innocent, until declared guilty according to law; and if it shall be previously necessary to arrest him, no more rigor shall be used, than is indispensable for securing his person.

'No person shall be seized, or imprisoned, unless by virtue of a warrant signed by the magistrate, to whom the law gives this authority; the warrant shall express the grounds of the arrest; and a copy of it shall be delivered to the prisoner,

'No jailer or other officer shall receive or detain in prison any one whatever, unless under a warrant issued and signed as above.

'All persons shall be deemed guilty of the crime of *arbitrary detention*, and shall be punished according to law, who shall arrest, or cause any one to be arrested, without legal authority.

'No one shall be tried by special commissions, except by the ordinary tribunals established by law.

'No one shall be judged, much less punished, except by virtue of a law passed anterior to the crime, or offence, and after having been heard in his defence, or legally cited; nor shall any one be obliged or admitted, in a criminal case, to give evidence against himself.

'No house shall be subject to search, except in cases determined by law, and under the responsibility of the judge who issues the order.

'The private papers of individuals, and their correspondence, shall be inviolable, and shall not be liable to examination, or to be intercepted, except in cases expressly prescribed by law.

'The infamy of punishment shall not be visited by law upon the family or relations of the offender.

'No one, but those who are in the army or navy, or in the militia when in actual service, shall be subject to military law, or suffer the punishments provided by it.

'Entails are prohibited.

'All titles of honor granted by the Spanish government are abolished; Congress shall not grant any title of nobility, or hereditary distinction; nor create any office or employment, where the salary or emolument shall continue longer than the good conduct of those who serve in them.

'No one, who enjoys any post of trust or honor under the republic, shall accept any title, gift, or emolument from any king, prince, or foreign state, without the consent of the Congress.

'No money shall be drawn from the public treasury, except for objects fixed by law; and there shall be published every year, a regular statement of the receipts and expenditures, for the information of the people.

'All foreigners shall be admitted into Colombia, of whatever nation they may be; and they shall enjoy in their property and persons the same security as citizens, so long as they respect the laws.

'One of the first duties of the Congress shall be to introduce, in some cases, the trial by jury; and when the advantages of the institution are well understood, it shall be applied to all cases civil and criminal, in which it is commonly used in other nations.'

The language of this last clause is somewhat vague. It seems, however, to have been intended to require of the Congress imperatively to introduce the system in some particular case, and that when the practice and proceedings under it should become familiar and well understood, it should be generally introduced.

In this way the clause has been interpreted by the Congress, and law was passed at the first session, providing for the trial by jury in all cases of prosecution for libel. The system has not yet been applied to any other case; but many will be of opinion, that 'the advantages of the institution are well understood' already, when it is stated, that in every prosecution for a libel, which has yet occurred in the republic, *the prisoner has been acquitted.*

ART. VI.—*A Manual of Chemistry, on the Basis of Professor Brande's; containing the principal Facts of the Science, arranged in the Order in which they are discussed and illustrated in the Lectures at Harvard University, N. E. Compiled from the works of Brande, Henry, Berzelius, Thomson, and others. Designed as a Text Book, for the use of Students and Persons attending Lectures on Chemistry.* By JOHN W. WEBSTER, M. D. Lecturer on Chemistry in Harvard University. 8vo. pp. 603. Boston. 1826. Richardson & Lord.

THE multiplication of treatises on chemistry, within a few years, has been remarkable, both in Europe and in our own country. Not only have many new works appeared, but new editions of the standard works have been sent out with great rapidity; and the student is not a little embarrassed in his choice of those, upon which he shall first fix his attention. While this increase of chemical works is an evidence of increased attention to the science, it further shows what quick advances have been made, and are still making in it. And this demand for new works, and new editions of the same work, is a consequence of rapid discoveries and improvements, no less than of the increasing attention bestowed on those arts of life, which involve chemical principles, and which are advancing towards perfection, in the same path as the science upon which they are founded. There is no science in which more frequent and important discoveries are making than in this, and none in which the revision of former opinions is so often demanded; bearing, as they do, on the arts of life and wants of the community. With the enlargement

of our manufactures, an enlarged demand for chemical knowledge is strongly felt, and no nation can be expected to excel in many of the arts, or to increase in wealth and power, or to avail itself of the discoveries made in other nations, which does not consider chemistry an essential branch of education. The connexion between science and the arts, and their influence on the commercial prospects of nations, have been so often dwelt upon, as to make it unnecessary for us to attempt to offer any new views of the subject.

It is given to but a few great minds to make brilliant discoveries, and comparatively few persons in Europe, and still fewer in this country, have the means or facilities of prosecuting any branch of experimental science to the extent they may desire. This remark applies with force to the science of chemistry, as in the extensive researches which it requires, a great expenditure of time and money must be provided for. It becomes important, therefore, that those who have abundant means, should contract a taste for such arts and sciences, as are most conducive to the morality and wellbeing of the people. Chemistry and mechanical philosophy, when made objects of pursuit and interest to the less informed classes of mankind, cannot but powerfully conduce to benefit the morals, and to enlighten and strengthen the understanding, In their elementary principles, and still more in their advanced state, aided by the countenance and influence of the wealthy, the physical sciences must always help in extending and improving the mental energies of the people, and be made a source of amusement, happiness, and profitable exertion. And with such encouragements as these, not only will the improvements in the arts and sciences be preserved, but their influence upon the public welfare will be augmented by valuable discoveries.

The arts connected with our luxuries, pleasures, and amusements, are subject to fluctuation, from the change of our tastes, our love of variety, our varied degrees of mental power, and other causes. Painting, poetry, music, and their sister arts have had their alternations of rise and fall; but the physical sciences have gradually and steadily advanced, and whatever differences may exist in their degrees of perfection in different countries, no one will hesitate to admit, that this kind of learning is constantly improving. The prediction of Seneca may yet be often fulfilled in its figurative as it has been in its literal sense.

Venient annis sæcula seris
Quibus Oceanus vincla rerum
Laxet, et ingens pateat Tellus;
Tethysque novos detegat orbes,
Nec sit terris ultima Thule!

The knowledge of chemistry has been obtained by the gradual accumulation of discoveries, and by unwearied experiment and observation. If we look at the luminaries of chemical science in Europe, to which it is indebted for its late rapid and brilliant career, we shall find some dozen or twenty votaries, who are blessed with ample facilities, arising from fortune or situation. The discoveries of such men are immediately transferred to public journals, and communicated to learned societies, and it is not to them that we are to look for volumes, embodying all that has been done by themselves and others. Occasionally, indeed, it happens, that they possess the requisite patience, and are willing to devote their time to an arrangement of the newly discovered facts, and we are favored with a systematic work. But the great mass of chemical works, which have appeared within a few years, is composed of those less aspiring productions, which, however well prepared, are of little further use, than to afford an introduction to the more elaborate treatises. Too many of them, which are avowedly 'school books,' are imperfect, and quite unfit for their intended use. The discoveries of the distinguished votaries of the science, being dispersed, as we have said, through many books, he, who can devote the necessary time and talents to the task of collecting and combining them in a practical treatise, suited to general use, deserves the thanks of the community hardly less than the original discoverer. Whoever does this with impartiality and candor, will be ready to acknowledge the sources whence he has drawn, and to arrogate to himself nothing, which belongs to another. We have now before us a valuable work, in which this regard to the rights of others has been strangely lost sight of, a work especially designed for medical students, and reprinted in this country. It is Dr Paris's Medical Chemistry; the greater part of this volume is copied *verbatim* from Henry and Brande, yet no other acknowledgement is made than this; 'There are three works, which every student should possess, Henry's Elements of Chemistry, Brande's Manual, and Dr Ure's Chemical Dictionary.' (*Preface, p.* xvi. *Lond. Edit.*) Dr Ure has also been unmindful of the golden rule, and in the

additions which he has made to Nicholson's Dictionary, has given many translations from Thenard, without acknowledgement, and in such a manner as to make the reader believe they are his own.

Notwithstanding the many chemical works, which have appeared within the last twenty years, very few, if any, are well calculated for such students, as have gone through the limited works, with which they usually commence the study. Between the 'Conversations on Chemistry' and similar elementary treatises, and the more elaborate works of Henry, a chasm has existed, which it has long been desirable to have filled. The manual of Mr Brande is in many respects such a work, as is calculated to supply the connecting link in the chain; but it is still deficient in experiments, and in the description of the salts, while it contains much that is out of place in a treatise on chemistry, and that belongs to a distinct branch of science.

The edition of Brande's work, published some years since, under the care of Dr Macneven, has some advantage over the English edition, but its general character is retained.

The Manual now under notice is precisely what was wanted. It fills up the chasm alluded to above, and leads the student with ease and interest to the study of the more voluminous systems. The Chemistry of Dr Henry, which has been used in several of our colleges, is undoubtedly one of the most valuable we possess, but from a single volume it has increased, in ten editions, to a system extending, in the American edition, to no less than three volumes. It has, of course, gradually become expensive, while at the same time it contains much, that is not calculated for any but practical chemists, or not used except for occasional reference. Such are the various tables, the description of the methods of detecting poisons and adulterations, the details of analytical processes, all of which, though extremely valuable and useful to the professed chemist, are not of a nature to be studied by the majority of students and persons attending chemical lectures. Accordingly, in Dr Webster's volume, these subjects are but slightly touched upon; they are to be published, as we learn from the Preface, in a separate volume. This plan is judicious, and a useful book will thus be furnished to practical chemists, manufacturers, and others. A volume on chemical analysis is much wanted, which shall comprise the most improved processes, that modern chemistry has discovered, and which are now to be sought for through a great number of vol-

umes. We would suggest to Dr Webster the propriety of introducing a chapter on the Use of the Blowpipe, which would render his proposed volume doubly welcome to mineralogists, as well as chemists.

Mr Brande's Manual, which Dr Webster has adopted as the basis of the present volume, is, as before hinted, one of the best elementary works, that has been published; but its value has always been considered much less than it might have been, in consequence of the conciseness of the descriptions of the different substances, and of the processes. Its size has at the same time been increased, by the introduction of much matter, that was really not wanted by beginners, and by engrafting upon it the description of a great many minerals, too concise to give any useful information to students of mineralogy, and of less use to the chemist. Mr Brande also filled a large number of pages with the substance of his lectures on geology, quite out of place in a system of chemistry. All these Dr Webster has very judiciously omitted, retaining, however, all the strictly chemical part of Mr Brande's work.

To the chapter on Attraction, as contained in Mr Brande's Manual, Dr Webster has made several important additions, especially to that part which relates to the atomic theory, and the peculiar views of Mr Dalton. One of the simplest and best explanations of this theory, we recollect to have seen, is in a note to a review of Henry's Chemistry, in the sixteenth volume of the Quarterly Journal of Science, page 336. The addition of many beautiful experiments and illustrations greatly enhance the value and interest of this chapter. The prevailing defect of most chemical works, especially of those designed for students, is in the details of experiments.

Among the additions to the chapter on Caloric, we notice a description of the ingenious pyrometer of Mr Daniell, and the excellent practical directions for the construction of thermometers. There is also introduced a description of the iodous acid of M. Sementini, and the remarks of Dr Henry on the nature of this very curious substance.

The chapter on Hydrogen contains numerous additions, among which we notice the account of the new blowpipe of Mr Gurney, and that of Dr Hare, neither of which is mentioned by Brande. The experiments on the composition and decomposition of water are fuller, than those of Brande. In the specific gravity of hydrogen, and in most other cases, Dr Webster has

adopted the numbers deducible from the latest experiments, and hence many deviations have been necessarily made from those given by Brande. The compiler has, throughout the book, shown himself familiar with the best chemical works, and a careful observer of the progress of chemical science. He has given the results of a great many new experiments, and especially those of Berzelius and the French chemists. We should extend this notice to an undue length, were we to enumerate all the additions to Mr Brande, and deviations from him, which Dr Webster's work exhibits. We must content ourselves with remarking, that, on comparing many pages with Mr Brande's, we find the latter have in most cases been almost rewritten, and made to conform to later experiments and discoveries. This is an evidence of the labor bestowed on the work, which will render it peculiarly acceptable to chemists in general.

Our scientific readers will be pleased to learn, that in this work is the fullest account of the curious discoveries of Döberiener, of the action of spongy platinum upon hydrogen and oxygen gases, which has yet appeared in English, and that Dr Webster has given an abstract of the experiments of Dulong and Thenard on this interesting subject, from their memoirs in the Annales de Chimie. Although these experiments have not, as yet, led to any satisfactory explanation of the phenomena, they have developed some new and highly curious properties of several of the metals, and induced the belief in the minds of the experimenters, that, among the gases, some have a tendency to unite under the influence of the metals, while others have a tendency to separate, and that this property varies with the nature of both.

In the description of the various chemical compounds used in medicine, Dr Webster has made a constant reference to the United States' Pharmacopœia, and has described the best processes, thus rendering his volume a valuable companion to that national work, and an important accession to a part of the community, where an increased knowledge of chemistry is imperiously demanded. It is to be hoped, that the establishment of the College of Pharmacy in our city, will be attended with the happiest effects, and that our apothecaries, like those of Great Britain, will, before many years, produce some distinguished cultivators of that science, on which all their operations are founded, and which has such an important influence on the health of the community.

On the whole, we think this may rank among the very best works on chemistry, for the purposes for which it is designed, and that the scientific community is in no slight degree indebted to the gentleman, who has devoted the time, left from the arduous duties of his office, to this task. In connexion with the works of Professor Farrar, the present publication renders complete the series of text books on the physical sciences, which have emanated from Harvard University; and these reflect no less honor on the industry and talents of their authors, than on the institution with which they are connected.

Art. VII.—*Recollections of the Last Ten Years, passed in occasional Residences and Journeyings in the Valley of the Mississippi, from Pittsburg and the Missouri to the Gulf of Mexico, and from Florida to the Spanish Frontier; in a Series of Letters to the Rev. James Flint, of Salem, Massachusetts.* By Timothy Flint, Principal of the Seminary of Rapide, Louisiana. 8vo. pp. 395. Boston. Cummings, Hilliard, & Co.

This volume has been perused by us with great pleasure, and with much respect for the writer's talents and character. We have risen from it, indeed with a stronger sympathy, than we should wish to have occasion to feel with the author, in the hardships and sufferings endured by him and his family; with more vivid conceptions than we before possessed, of the peculiar aspect of the grand and beautiful features of the country he describes; with more enlarged views of its natural resources, of the extent and progress of its population; and with more favorable impressions of the general character of our fellow citizens of those vast and fertile regions, that border upon the Mississippi, and its mighty tributary streams from the east and the west.

That wide portion of our country, which is somewhat vaguely denominated 'the Valley of the Mississippi,' is daily growing in importance and interest. It presents a fruitful theme of anxious contemplation and prophetic conjecture to the statesman and philanthropist, as the destined theatre of future events and exhibitions of human character, of the most solemn import to the

welfare of mankind; as the scene of the future trial of those broad principles of freedom in governments, and of toleration in religion, assumed as the basis of our national constitution, never before put to the test of actual experiment in any country. In that region it is to be determined whether, with the increase of our wealth, and the full developement of our physical resources, our intellectual and moral progress will be adequate to maintain our republican forms of government, and whether the community of interests, or the reciprocal advantages of political union, will be felt to be strong enough to keep us together, when the preponderance of population and power shall have passed far to the west of the Alleganies. It is an interesting country, as it will long continue to offer a wide field for the emigrating and enterprising population of the older states, and as the great receptacle of the shoals of foreigners, good and bad, that yearly cross the seas to seek, under the tutelar genius of American liberty, an asylum from the oppression, the poverty, or the justice of their native country. It is an interesting region from its physical conformation, its magnificent rivers and forests, its vast alluvions and prairies, its partially explored natural history, the unrivalled fertility of its soil, the facility and richness of its agriculture; as not only abounding with the most valuable staple products of the Atlantic states, but as the land of the sugar cane, and to be one day the land of the vine and the olive, as it now is of many of the delicious fruits of the tropics.

The first discovery of that country was by the French from Canada. In the latter part of the seventeenth century (1683), three adventurers, following the chain of the lakes, penetrated the wilderness to the junction of the Illinois with the Mississippi, which they descended to its mouth. They gave the name of Louisiana to the boundless forests east and west of the Mississippi, in compliment to Louis the Fourteenth, in whose name they took possession of the country. In process of time, different positions, from the mouth far up the Mississippi, were occupied by French colonists, and in 1717 the city of New Orleans was laid out, and its building commenced. Of the travellers, who visited and described that country, the earliest and most distinguished were foreigners, who saw it before its pathless forests and boundless solitudes had resounded to the stroke of the Anglo-American emigrant's axe, while its sparse and languishing settlements were restricted to the borders of the rivers, and under the ancient French and Spanish dominions.

Until the cession of Louisiana to the American government, under the administration of Mr Jefferson, little was known of the Western country, beyond the American settlements, in the new states of Ohio and Kentucky; for little interest had been felt respecting it, among the people of the old states. Volney, and some others, had published their observations, from which we had learned little more, than that it was a vast wilderness, occupied by wandering hordes of savages; and Chateaubriand had peopled it with beings of his own creation, and had pictured it to our imagination, as the region of romance. Since it became the theatre of enterprise to the adventurous and active citizens of the older states, we have had accounts of it, more or less extended, from various sources, but, for the most part, from interested speculators and land jobbers. Or if a man of intelligence and liberal views, and capable of accurate and philosophic observation, gave us notices of that country, he either had not resided there a sufficient time, or had not extended his views so widely, or come in contact so nearly and familiarly with the various gradations and characters of the inhabitants, as to enable him to satisfy our curiosity, upon many interesting points of inquiry, relating to a region, which, though under the same government and laws, remained, till within a short period, a kind of *terra incognita* to the good people on this side of the mountains. Brackenridge's Views of Louisiana, Darby's geographical tract, the more recent work of Schoolcraft, and Long's Expeditions, have contributed essentially to enlarge our knowledge, and correct our misapprehensions, of the Western country and people. Still, of a country so rapidly filling up, and of a population receiving such constant and heterogeneous accessions, the changes must be so great, that we eagerly welcome an author who brings more recent information of it.

Mr Flint is not one of the common herd of travel writers and journal makers, 'who' as he remarks 'travel post, or are wafted through a country in a steamboat, and assume, on the ground of having thus traversed it, to know all about it.' His opportunities for acquainting himself with the region and the people he describes, were such, as with the other requisites, of which he has proved himself possessed, would authorize any man to undertake the task, which he assumed, of writing for the public, as well as for his friends. 'I have,' says he, in his introductory letter, 'drunk of every considerable stream, that yields tribute to the Mississippi, far from the parent channel; have traversed the

country in all directions; have resided a considerable time in the northern, middle, and southern divisions, and in the discharge of duties, which necessarily brought me in contact with all classes of the inhabitants; so that, as far as long and familiar observation of the country can qualify one to describe it, I am so qualified.' What is more to the purpose, his intellectual, moral, and literary qualifications fitted him to avail himself of these advantages, and to impart attractions and an interest to his narrative, which such qualifications only can impart to a work of this kind. He unites properties which do not often meet in the same mind, a capacity for discriminating and philosophic observation, a true tact and common sense logic, with the imagination, feeling, and romantic sentiment of the poet and novelist. He is manifestly a true and ardent lover of nature, and has shown himself, throughout his book, alive to the new, magnificent, and diversified scenery, which, in the wide range of his survey, presented itself to his observation. His deep and vivid sympathy with the varying aspects of the physical universe, which opened to his view in the Western world, gives to his narrative one of its most peculiar and engaging features. There is a truth, a distinctness, a graphic fidelity in his descriptions, which make the reader feel himself to be a present spectator of the objects and occurrences he describes. Nothing is more observable, than the facility with which he adapts the tone of his mind and feelings to the influences of the surrounding scenery, to the changes of the elements, and to the character of the events through which he passes and the circumstances in which he is placed. As he feels strongly and deeply, he heightens, no doubt, by the colorings of his imagination, the hues of the gay or sad vicissitudes which befell him. Yet there is an air of good faith and reality in what he relates, which convinces us, that we may listen to him with the confidence, with which a man, at his fireside, receives the communications of a friend of tried integrity, telling the tale of his eventful wanderings and various fortunes after an absence of many years.

It is not strange that a mind, obviously so susceptible of enjoyment and suffering in their extremes, should frequently dwell in retrospect upon the painful events of his 'ten years' residence and journeyings,' and upon the depressing gloom, and the sickness of the heart, resulting from disappointed expectations, frustrated projects, and disease and privations of every sort, which were endured in a strange land, remote from the succour and sympathy

of the friends he had left. With this propensity of the author we are not displeased, but think his work derives much interest from the intimate acquaintance, to which it admits us, with his personal character and fortunes. It has the peculiar charm of an autobiography, written by a man of cultivated intellect, disclosing his thoughts and the hidden workings of his soul, under various novel circumstances. It is but just, moreover, to remember, what the author states in his introductory letter. 'If in the following pages, the feelings of the writer occupy too conspicuous a place in the view of that severe ordeal, in which the square and compass are applied to works of this kind, let it be remembered, that these pages were chiefly intended for the eye of friends, to whom, it was well known, such would be the most interesting parts of the work.' We perceive nothing like repining in the mention he makes of his hardships. We have been even edified, by the sustaining spirit with which he was borne up under the pressure of calamitous circumstances. We have admired the elasticity of mind, which enabled him to rise from one disease and disaster after another, and to prosecute his objects, still receding as he advanced, through so many discouragements, and by so frequent and distant removals. At the same time, nothing important escapes his observation. He forgets himself, and all that is depressing in his condition, when a fine view upon the rivers or the prairies, a bland atmosphere, a beautiful day, or a moonlight scene appeals to his love of nature; or when he meets with any novelty of character, or falls among people, with whom he can enjoy the mental restorative of endeared society, and the interchange of the amiable courtesies of life. He could be happy in the rude cabins of the *backwoodsmen*. And he bears ample testimony to the kindness and hospitality, to the rough exterior indeed, but substantial honesty and worthiness of character, which he found in these pioneers of civilization.

One valuable effect of the work among us will be, to allay local jealousies, soften prejudices, correct misapprehensions, and divest the Western character of many unfavorable associations, with which it has been too long connected in this quarter; and to strengthen sentiments of mutual esteem between the people of the East and the West.

The author goes little into detail. He does not deal in statistics, in speculations upon political economy, in exact admeasurements, numbers, and tables. His concern is chiefly with the

physical and moral aspects of the country; the general effects of social labor and enterprise in a region, recently the domain of savages and wild beasts; the state of society, the progress of knowledge, morals, religion, refinement; and the characteristics of the Western people, resulting from their peculiar position and circumstances. His readers will sometimes wish, that he had been more minute, and had filled up more completely some of his outlines and unfinished sketches. His disquisitions, of which there are several interspersed in different letters, are not spun out with a heavy prolixity. Those upon the character of the Indians and negroes, and their distinctive qualities, and upon the advantages and disadvantages in the condition of the New England emigrant in the Western country, are the principal ones; and though we may not agree with all his views, yet his observations are full of interest. He carries the reader along with him to the last, if not always instructed, yet seldom displeased, often delighted, and never fatigued.

We make haste to point out the course of the author's journeyings, during the ten years, the Recollections of which he has embodied in his work.

He leaves 'the land of his fathers,' and the place in which he had performed 'a laborious and secluded ministry' of fourteen years, in October, 1815, travelling leisurely with his family in the common route through Philadelphia, and over the Allegany hills, to Pittsburg. After a short stay in that place, he passes down the Ohio to Wheeling, is detained there a few days by sickness, takes a boat again, and arrives at Marietta. At the close of November he departs for Cincinnati, where he passes the winter. In March he performs a tour of observation and preaching through part of Ohio, the southern frontier of Indiana, and part of the state of Kentucky, as far as Lexington; returns to Cincinnati, and in the middle of April embarks with his family on board a *keelboat;* enters the Mississippi on the 28th of the same month, and on the 24th of May arrives at St Louis. In September he leaves St Louis for St Charles, as a better situation for the discharge of his wide range of missionary duties. Here he remains, variously occupied, till the spring of 1819, nearly three years, when, induced by flattering encouragements, he goes down the Mississippi to Arkansas. There every thing proves adverse, his family fall sick, and, after passing a gloomy summer, he reascends the Mississippi, touching at St Francisville, and spending the winter of 1819–20, and the year follow-

ing, at New Madrid and Jackson, when he explored the counties of Cape Girardeau, St Genevieve, and the adjacent country. He returns in the autumn of 1821 to St Charles, where, with all the members of his family except one, he is arrested by severe and protracted illness. There he remains till the autumn of 1822, when, having received the requisite means from his New England friends, he descends the Mississippi to New Orleans, spends the winter there, opens a school the summer following on the Florida side of Lake Pontchartrain, returns to New Orleans in the autumn, and while there receives an invitation to take charge of the seminary of Rapide, in Alexandria, on Red river. At this station he remains, till a broken constitution obliges him, in 1825, to suspend his duties, and revisit the place of his nativity to recruit his health.

From the nature of the work, it would be difficult, if not impracticable to give our readers more than a general idea of its contents. Evidently written, as it purports to be, from vivid recollections of what had been most deeply traced upon the memory, the only order seems to be that of the ideas and remembrances, associated with the places, through which he passed, and in which he sojourned. Without any very distinct method, he passes, by easy and natural transitions, 'from grave to gay,' from the most exhilirating to the most gloomy descriptions, from verdant savannahs to swamps of funereal cypress, from the mountains to the valleys, from 'the void waste' to 'the city full,' from the recent village to the solitary log house in the wilderness.

He at one time paints to us the boundless forests in the mellow and fading splendor of autumn, or renovated in all the exuberant verdure and lavish bloom of a Western spring. Then the canvass exhibits the river craft, and that unique race, the boatmen of the western waters. We now see them floating at their ease down the stream, or with the pole, with the *cordelle*, or by *bushwhacking*, toiling slowly against the mighty current of the Mississippi and its tributaries. By and by we see, ascending and descending the same streams, as by enchantment, the rapid steamboat. The column of smoke, the gay streamers, the crowded deck, the equable movement of the gliding pageant, pass under our eye. The children from the shore look with eager gaze upon the imposing spectacle, as it marches by in its path of foam. Level bottoms and towering bluffs alternate before us. We see the dead trees still standing among the new

villages, springing from the bosom of the wilderness, or we behold, from an eminence, the lately arrived emigrant setting himself down in the beautiful and lovely solitude, which he has chosen for his residence. The scene is changed, and we are introduced to the rough, but frank and hospitable *backwoodsman*, with his rifle in hand, his dogs at his heels, 'all girt for the chase,' receiving his visitant with little appearance, but with all the reality, of a cordial welcome. The preachers, the lawyers, the great and little men of the West, the Indian, the negro, the fanatic, the venerable chronicler of 'the olden time,' the fresh and lovely 'rose of the prairie,' successively pass in review before us. Many amusing, and some affecting anecdotes are related. The classical allusions are numerous and happy. The reflections are often original and sensible, and indicate a mind accustomed to hold 'large discourse, looking before and after,' and rich in its own resources. We are, at length wafted from the upper country to the busy mart of New Orleans, and soon after find the author living delightfully in the pine woods. The next letter brings us back to New England, and we are taken upon a pleasant trip with the author and his friend to Saratoga springs, a review of which, with remarks upon the changes in the physical and moral aspect of the land of his birth, as they struck him after an absence of ten years, in a letter from Cincinnati, written on his return to Alexandria, concludes the work.

In selecting such passages as afford the most favorable specimens of the author's manner, we find so many of equal merit, that we are perplexed in our choice. The following is a description of the bright side in a picture of the boatmen's life. After remarking, that it is not strange that this mode of life should have irresistible attractions for the young people who live on the banks of the river, he continues;

'The boats float by their dwellings on beautiful spring mornings, when the verdant forest, the mild and delicious temperature of the air, the delightful azure of the sky of this country, the fine bottom on the one hand, and the romantic bluff on the other, the broad and smooth stream rolling calmly down the forest, and floating the boat gently forward—all these circumstances harmonize in the excited youthful imagination. The boatmen are dancing to the violin on the deck of their boat. They scatter their wit among the girls on the shore, who come down to the water's edge to see the pageant pass. The boat glides on until it disappears behind a point of wood. At this moment, perhaps, the

bugle, with which all the boats are provided, strikes up its note in the distance over the water. These scenes, and these notes, echoing from the bluffs of the beautiful Ohio, have a charm for the imagination, which, although I have heard it a thousand times repeated, and at all hours and in all positions, is even to me always new and always delightful.' pp. 15, 16.

We take next our author's account of the Arcadian beauty and simplicity of the emigrant's establishment, upon the rich lands in Ohio.

'In making remoter journeys from the town, beside the rivulets, and in the little bottoms, not yet in cultivation, I discerned the smoke rising in the woods, and heard the strokes of the axe, the tinkling of bells, and the baying of dogs, and saw the newly arrived emigrant either raising his log cabin, or just entered into possession. It has afforded me more pleasing reflections, a happier train of associations, to contemplate these beginnings of social toil in the wide wilderness, than, in our more cultivated regions, to come in view of the most sumptuous mansion. Nothing can be more beautiful than these little bottoms, upon which these emigrants, if I may so say, deposite their household gods. Springs burst forth in the intervals between the high and low grounds. The trees and shrubs are of the most beautiful kind. The brilliant redbird is seen flitting among the shrubs, or, perched on a tree, seems welcoming, in her mellow notes, the emigrant to his abode. Flocks of paroquets are glittering among the trees, and grey squirrels are skipping from branch to branch. In the midst of these primeval scenes, the patient and laborious father fixes his family. In a few weeks they have reared a comfortable cabin, and other outbuildings. Pass this place in two years, and you will see extensive fields of corn and wheat; a young and thrifty orchard, fruit trees of all kinds, the guarantee of present abundant subsistence and of future luxury. Pass it in ten years, and the log buildings will have disappeared. The shrubs and forest trees will be gone. The Arcadian aspect of humble and retired abundance and comfort, will have given place to a brick house, with accompaniments like those, that attend the same kind of house in the older countries. By this time the occupant, who came there with, perhaps, a small sum of money, and moderate expectations, from humble life, and with no more than a common school education, has been made, in succession, member of the assembly, justice of the peace, and finally county judge.'

'I admit that the first residence among the trees affords the most agreeable picture to my mind; and that there is an inexpressible charm in the pastoral simplicity of those years, before

pride and self consequence have banished the repose of their Eden, and when you witness the first struggles of social toil with the barren luxuriance of nature.' pp. 52, 53.

The author's account of the fleet of boats with their contents, which he saw at the mouth of the Bayou, near New Madrid, on their way to New Orleans, will give the reader an idea of the products of the upper country.

'In the spring, one hundred boats have been numbered, that landed in one day at the mouth of the Bayou, at New Madrid. I have strolled to the point on a spring evening, and seen them arriving in fleets. The boisterous gaiety of the hands, the congratulations, the moving picture of life on board the boats, in the numerous animals, large and small, which they carry, their different loads, the evidence of the increasing agriculture of the country above, and more than all, the immense distances which they have already come, and those which they have still to go, afforded to me copious sources of meditation. You can name no point from the numerous rivers of the Ohio and the Mississippi, from which some of these boats have not come. In one place there are boats loaded with planks, from the pine forests of the southwest of New York. In another quarter are the Yankee *notions* of Ohio. From Kentucky, pork, flour, whiskey, hemp, tobacco, bagging, and bale rope. From Tennessee there are the same articles, together with great quantities of cotton. From Missouri and Illinois, cattle and horses, the same articles generally as from Ohio, together with peltry and lead from Missouri. Some boats are loaded with corn in the ear and in bulk; others with barrels of apples and potatoes. Some have loads of cider, and what they call 'cider royal,' or cider that has been strengthened by boiling or freezing. There are dried fruits, every kind of spirits manufactured in these regions, and in short, the products of the ingenuity and agriculture of the whole upper country of the West. They have come from regions, thousands of miles apart. They have floated to a common point of union. The surfaces of the boats cover some acres. Dunghill fowls are fluttering over the roofs, as an invariable appendage. The chanticleer raises his piercing note. The swine utter their cries. The cattle low. The horses trample, as in their stables. There are boats fitted on purpose, and loaded entirely with turkies, that, having little else to do, gobble most furiously. The hands travel about from boat to boat, make inquiries and acquaintances, and form alliances to yield mutual assistance to each other, on their descent from this to New Orleans. After an hour or two passed in this way, they spring on shore to raise the wind in

town. It is well for the people of the village, if they do not become riotous in the course of the evening; in which case I have seen the most summary and strong measures taken. About midnight the uproar is all hushed. The fleet unites once more at Natches, or New Orleans, and, although they live on the same river, they may, perhaps, never meet each other again on the earth.

'Next morning, at the first dawn, the bugles sound. Every thing in and about the boats, that has life, is in motion. The boats, in half an hour, are all under way. In a little while they have all disappeared, and nothing is seen, as before they came, but the regular current of the river.' pp. 103, 104.

The following story of a desperate and successful defence of a log house, against a party of hostile Indians, partakes a little of the marvellous; but it is well told.

'The name of the hero in question [whom the author knew] was Baptiste Roy, a Frenchman, who solicited, and, I am sorry to say, in vain, a compensation for his bravery from Congress. It occurred at *Côte sans Dessein*, on the Missouri. A numerous band of northern savages, amounting to four hundred, beset the garrison house, into which he, his wife, and another man had retreated. They were hunters by profession, and had powder, lead, and four rifles in the house. They immediately began to fire upon the Indians. The wife melted and moulded the lead, and assisted in loading, occasionally taking her shot with the other two. Every Indian that approached the house was sure to fall. The wife relates, that the guns would soon become too much heated to hold in the hand. Water was necessary to cool them. It was, I think, on the second day of the siege, that Roy's assistant was killed. He became impatient to look on the scene of execution, and see what they had done. He put his eye to the port hole, and a well aimed shot destroyed him. The Indians perceived that their shot had taken effect, and gave a yell of exultation. They were encouraged by the momentary slackening of the fire, to approach the house, and fire it over the heads of Roy and his wife. He deliberately mounted the roof, knocked off the burning boards, and escaped untouched from the shower of balls. What must have been the nights of this husband and wife? After four days of unavailing siege, the Indians gave a yell, exclaimed, that the house was a "grand medicine," meaning, that it was charmed and impregnable, and went away. They left behind forty bodies to attest the marksmanship and steadiness of the besieged, and a peck of balls, collected from the logs of the house.' pp. 162, 163.

We close our extracts with the history of 'the rose of the prairie,' a Miss Jamieson, of whose parents the author makes affectionate mention in his letters.

'She was long a pupil in my family. From the first of her residence with us she was an object of general attention, for she was beautiful, the rose of the prairie, and she was at the most interesting period of life; and she was gay and untamed in the possession of an uncontrolled flow of spirits, and as buoyant as the fawn of her own prairie. The regulations of a religious family in that region differ widely from ours. When she first resided with us she was disposed to consider our rules as odious, and our restrictions as tyranny. But in the progress of her studies and of more mature acquaintance, she became tranquil, satisfied, and studious, exhibiting an affectionate submission, that endeared her to us all. She soon became to me as one of my children. A conversation, which I had with her, during that severe sickness, which I have mentioned, will long be remembered in my family. Contrary to all expectations, I recovered, and had the satisfaction to see the pensive thoughtfulness, that had long been gathering on her brow, assume the form of piety and religion. When we were about to depart from that region for the Arkansas, her parting from my family was affectionate and solemn. I crossed the Missouri with her, and listened with delight to her views, her resolutions, and the plans, which she proposed for her future life. You will believe, that they were not the less interesting to me for being seasoned with a spirit of romance. But she laid down, as the outline, the steady and unalterable guidance of religion. The counsels which I gave her, as we were passing the stream, were of course paternal and affectionate, for I expected to meet her no more.'

'Why should I refrain from giving a few more details of this interesting young woman, through fear that this page should take the form of romance.' 'My mind and my memory suggest in the case of this young person, so dear to my family, far more than I shall relate, and instead of wishing to color, I shall be obliged to touch only, the remaining incidents of her short career. There resided in her father's family a very respectable young man. He was rather silent and reserved in his manners, but thinking, intelligent, and of a very different cast from the young men in his vicinity. Still, he was not exactly calculated to win the affections of a beautiful young woman, in whose mind there was, perhaps, but one obliquity, and that had been caused by the perusal of the novels of the day. He was not her hero, her "beau ideal." We knew his worth. We knew his true and honorable affection, truly and honorably expressed. He was in a respectable employ-

ment, and looked to the very lucrative and respectable office, which he has since held in the country of St. Louis. Mrs. F. who knew the wishes of her parents, labored the point with her, that the prospect of good sense, fidelity, tried affection, and honorable support, were the best guarantees of happiness in the wedded state. It was not easy to dispel the day dreams, which she had fostered from the idle reading of the day. But with the growing influence of religion, there grew up also more sober and just surveys of life and its duties, and a stronger wish to gratify her parents in the first desire of their hearts. She was engaged to this young man, and on my return with my family from Arkansas, I heard with great pleasure, that she was shortly to reward his honorable and persevering attachment, with her hand. The wedding day was fixed, and all was sober expectation of tranquillity and happiness. The charming and endeared eldest daughter was to be fixed near the plantation of her father. Another square with its compartments of verdure was to be struck out of the brown of the heath. I envy no man, if it be not the father that so settles beloved children around him. This young man, in view of his prospects, probably envied no man. She was suddenly siezed with one of the terrible fevers of the country, which riot so fatally in a frame so elastic and healthful as hers. It ought to cheer us that we may lay hold of a resource, which will enable us to triumph over human passions and fears, over love and death. The sincerity of her religion was tested in this way.'

'She called her lover to her bed, and took of him the tenderest parting. She sang with the family the simple, but sweet hymn, so common in that country, and in which she delighted when in health; "The day is past and gone," &c. She bade them farewell, and closed her eyes in peace upon all the joyful prospects that were opening before her. Circumstances, not necessary to detail, compelled them to make her bridal dress her shroud. The father, the mother, soon followed this daughter, too dearly loved, too deeply lamented. I have been in view of this desolate habitation, but I have not wished to enter it. I have felt more intensely than ever, as I saw these cabins again, the pathetic close of the story of "Paul and Virginia."' pp. 194—197.

An obvious fault in this work is the confusion, which the reader experiences in its perusal, arising from the circumstance, that the author seems sometimes to be writing at Alexandria, sometimes in New England, and at other times it is difficult to conjecture where. Instances of repetition in thought and language frequently occur. The same word is often repeated un-

gracefully in the same sentence, where a synonyme would save the awkwardness, and express the sense equally well. The threadbare quotation, 'longing, lingering look behind,' comes upon us something like half a dozen times. Many parts of the work bear evident marks of haste in the composition. We notice these, not as flagrant faults, but as blemishes, which a little more attention, or careful revision would have prevented. The author's doctrine, that the slaves in Louisiana are the 'happiest people there, and in general *far more so than their masters*,' is extraordinary, to say the least of it. If such be the true state of things, the wonder is, that the masters are not wise enough to change places with their slaves, and grasp for themselves the felicity of servitude. Why be the wretched master, when it is so easy to turn the tables, and become the happy slave?

ART. VIII.—*The Works of Anna Lætitia Barbauld, with a Memoir by Lucy Aikin.* 2 vols. 12mo. New York; and Cambridge, Massachusetts.

MRS Barbauld may be considered a fortunate and successful writer. It is now more than half a century since she became a favorite with the public. Her first efforts succeeded in obtaining the applause of those, who were capable of receiving gratification from chaste productions of taste and intellect; and her early fame was not clouded by any deficiencies or negligence, in the attempts of maturer years. She published only at long intervals, and sparingly, during a protracted life, and gave to the world, therefore, only her best thoughts, struck out in her happier moments of inspiration, and carefully revised and polished. She always secured public respect. Few, who have written in our times, have inspired more warm and uniform regard; few have left a name, which virtue and taste will more delight to honor.

The age is marked not more by the amount, than by the excellence, of its female literature. Until within a comparatively recent period, the appearance of a female writer, of merit sufficient to secure her a place among the classical authors of her country, was a rare phenomenon. We had a Dacier, a Mon-

tague, a Sévigné, and a few others, but their contributions to the general stock of elegant and useful literature were very scanty. The whole of their productions of any value, which have survived to the present day, might be compressed within a very few volumes, and if annihilated, would hardly be missed. Our female literature has now swollen to a large bulk. Of the whole mass of publications, by which the age has been instructed or amused, no contemptible portion has been furnished by the gentler sex. Nor have their effusions been wholly of a light, or frivolous character, fitted only to obtain a temporary popularity, founded on caprice or bad taste. Many of them will bear comparison with the best productions of the human intellect, at this or in any period. They have a compass, strength, and richness, which stamp on them features of durability and excellence. With few exceptions, too, they are distinguished for chasteness of sentiment and style, and are exerting a decided and important influence over the public mind. A large proportion of the popular female literature, which has been produced since the middle of the last century, has been fitted not merely to furnish innocent gratification; it has partaken of a moral, practical cast, and tended to chasten and reform public taste and sentiment. It has rendered important aid to virtue, by rescuing fiction from the service of corruption and profligacy, and converting it into a powerful agent in correcting the moral judgments, and refining and exalting the moral feelings of the community. It has performed much for the cause of education, making us feel our want of a literature adapted to the demands of juvenile understandings, and doing something to meet this want.

Learning has assumed a more popular garb, than she formerly wore, and is becoming more easy of access, more simple and familiar. She is no longer the tenant solely of universities and cloisters; she has laid aside her scholastic robes, and has gone forth into the world, and is carrying instruction and solace into every hamlet and cottage. The writings of several distinguished females have had great influence in effecting this change, so auspicious to the best interests of human nature. Among these, Mrs Barbauld holds a conspicuous rank. This will appear no faint praise, when it is recollected, that she numbered among her contemporaries De Staël, More, Steele, Baillie, Edgeworth, and others who shared with them the patronage of the public. If she was inferior to some of these in particular traits of mental excellence; if she had less of inspiration, was

less soaring and discursive than Madame De Staël; less conversant with manners and life, less rich and inventive, than Miss Edgeworth; and less severe, less enthusiastic, less sublimated, and, if you please, less extravagant than Hannah More, she possessed qualities, which happily modifying and aiding each other, formed a union so useful, rare, and venerable, that no praise we can bestow on her, we had almost said, is in danger of appearing misplaced or excessive.

Mrs Barbauld was nurtured in solitude, and under circumstances well adapted to strengthen habits of reflection, and form a pure taste. She was born at Kibworth Harcourt, in Leicestershire, June 20th, 1743, and was the only daughter of the Rev. John Aikin, then teacher of a dissenting Academy in that place, and afterwards classical tutor in the academy at Warrington. She was distinguished from infancy for quickness of apprehension; she was eager for knowledge, and was enabled, with the assistance of her father, to obtain some tincture of classical learning, at that time rare as a female accomplishment. Her first publication was a volume of poems, which was given to the world in 1773, during her residence at Warrington. In 1774, having become united with Mr Barbauld, who had accepted the charge of a dissenting congregation at Palgrave, she retired with him to that place. He immediately opened a boarding school, and Mrs Barbauld participated with him in the task of instruction, taking the departments of English composition, geography, and declamation. Her instructions appear to have been highly valued; they are described as having been popular and impressive, and were remembered with delight by several individuals, who have since distinguished themselves in literature and public life. She received as 'her own peculiar pupils' several boys almost in infant years, and it was for the use of this younger class, that the well known 'Hymns in Prose for Children' were originally written.

Having passed eleven years of fatiguing occupation at Palgrave, Mr and Mrs Barbauld determined on quitting it; and, having sought relaxation for an interval of several months on the continent, they returned to London in June, 1786, and early in the next year fixed themselves at Hampstead. While here, in 1790 and the two following years, besides several performances on topics suggested by passing events, she produced her 'Remarks on Mr Gilbert Wakefield's Enquiry into the Expediency and Propriety of Public or Social Worship,' and furnished some

contributions to the popular work of her brother, 'Evenings at Home,' the first volume of which appeared in 1792. She offered nothing more to the public for several years, excepting two critical essays, one prefixed to an edition of Akenside's 'Pleasures of Imagination,' and the other to Collins's Odes. In 1802 she removed with Mr Barbauld to Stoke Newington, then the residence of her brother, the late Dr Aikin, Mr Barbauld having previously accepted an invitation to become pastor of the congregation formerly under the care of Dr Price, at Newington Green.

Mrs Barbauld had a strong feeling of attachment to what has been termed the Augustan age of English literature, and in 1804 she gratified this feeling by presenting to the public a selection, designed principally for the use of young persons, from the Spectator, Tatler, and Guardian, to which she prefixed a critical essay of great merit. Her remarks in this essay on the character and influence of those celebrated productions, on the almost idolatrous veneration with which they were for many years viewed, the revolutions of public taste they have since passed through, and the comparative neglect into which they have now sunk, and particularly her observations on the genius, character, and style of Addison, we consider among her happiest effusions. She was next employed in making a selection from the letters of Richardson, the novelist, which she published in 1804, in six volumes, prefixing a life of the author, and a review of his works.

In 1808 she was deprived of her husband, who appears to have been a man every way deserving of respect. An interesting memoir of him, from the pen of Mrs Barbauld, was published in 'The Monthly Repository of Theology and General Literature,' from which we make the following extract.

'The scenes of life Mr Barbauld passed through were common ones, but his character was not a common one. His reasoning powers were acute and sharpened by exercise.' 'He had an uncommon flow of conversation on those points which had engaged his attention, and delivered himself with a warmth, which enlivened the driest subject. He was equally at home in English and French literature; and the exquisite sensibility of his mind, with the early culture his taste had received, rendered him an excellent judge of all those works which appeal to the heart and the imagination.'

In her hours of dejection, occasioned by his death, Mrs Barbauld sought relief in literary occupation, and in 1810 edited a

collection of the British Novelists, with an Introductory Essay, and Biographical and Critical Notices. The last of her separate publications was 'that beautiful offspring of her genius, "Eighteen Hundred and Eleven."'

'No incident worthy of notice,' observes her biographer, 'henceforth occurred to break the uniformity of her existence. She gave up all distant journeys; and confined at home to a narrow circle of connexions and acquaintances, she suffered life to slide away, as it were, at its own pace,

"Nor shook the outhasting sands, nor bade them stay."'

'Her powers of conversation suffered little declension to the last, although her memory of recent circumstances became somewhat impaired.' 'A gentle and scarcely perceptible decline was now sloping for her a passage to the tomb; she felt and hailed its progress as a release from languor and infirmity, a passport to another and a higher state of being.'

She expired without a struggle March 9th, 1825, in the eighty-second year of her age, while on a visit at the house of her sister in law, Mrs Aikin.

Her private character appears to have commanded uniform respect. She was modest and reserved in her manners, though her reserve was not that of pride, but of diffidence; her temper inclined her to friendship and society; her affections, if not the most lively, were strong and constant. 'She passed through a long life without having dropped, it is believed, a single friendship, and without having drawn down upon herself a single enmity, which could properly be called personal.'

For her intellectual and moral qualities we feel, on the whole, much veneration. We are not ready to admit, that she possessed every feature requisite to constitute genius of the first order. She was somewhat deficient in sensibility and ardor; she had originally little depth of feeling and little pathos. She addresses more the intellect and imagination than the heart, and seldom indulges the 'melting mood,' seldom utters those fervid and glowing strains, which, reaching the inmost recesses of the breast, stir up all the intenser feelings of our nature. 'In some tempers,' observes Miss Aikin 'sensibility appears an instinct, while in others it is the gradual result of principle and reflection, of the events and experience of life. It was certainly so in that of Mrs Barbauld.' Of this we have evidence in her works. That she possessed strength of affection, and had a kind

and indulgent heart, we have already admitted; but her eloquence was that of mild persuasion, rather than of deep feeling. It was calm, sweet, and winning, hung round with gentle and modest attractions. It was the serenity of Goldsmith, not the pathos of Otway.

We are not disposed to complain of Mrs Barbauld for deficiency of feeling. We should, if we know ourselves, be among the last to detract from the respect which follows her name. Her merits are so great, in other respects, that she can better spare the charm of sensibility. We do not charge her with downright apathy, nor pronounce her a chilling writer. She furnishes not cold moonlight scenes alone, but has a gentle warmth. Her language does not fall dead on the ear; it makes a strong impression; it produces a calm and still, but pleasing and permanent effect. We are less inclined to complain of her want of sensibility, as the tendency of the age is, in some respects, towards wild fervor and extravagance. There is a strong appetite for the vague, the dreamy, the fantastic, and the shapeless. Men want to be powerfully excited; their feelings must be harrowed up, and their imaginations inflamed by glowing and exaggerated representations and fictions. The mind must have keen stimulants, and is not always very delicate in the choice of them. It is satisfied with those of the grosser sort, and such as are, at least, of a doubtful tendency, being adapted full as often to corrupt, to weaken, and degrade, as to regenerate, to strengthen, and exalt. We are not now in danger of famishing over a scanty, cold, and superficial literature, but of being disgusted or surfeited with mawkishness of feeling, wordy insipidity, and the rant of 'maudlin eloquence.' While such is the tendency of the age, we are not sorry, occasionally to meet with productions partaking of the calm and chastened manner of Mrs Barbauld. The public may derive benefit from them.

Mrs Barbauld formed herself on the model of the writers of Queen Anne's time. Addison appears to have been her favorite author, and there were, in the opinion of Miss Aikin, several striking points of resemblance between the two. We are not quite satisfied, however, with her enumeration of the characteristic traits possessed in common by both.

Addison in his own peculiar walk remains unequalled. His exquisite humor, his sweetness, his rich and delicate imagery, his simplicity and 'genuine anglicism,' possess striking charms.

His style is more strictly idiomatic, than that of any writer we can name. Mrs Barbauld, though easy and flowing, has much less of idiom. Great as were the merits of Addison, however, he had defects from which Mrs Barbauld is free. She is less diffuse, less careless and inexact, and more comprehensive and profound than her great model. Partial as she was to the wits of the preceding age, she felt for them no superstitious veneration; she saw their faults and avoided them.

Mrs Barbauld possessed a capacious and discriminating understanding, and strong practical sense. Her powers, originally vigorous, were refined and strengthened by assiduous culture, and exerted with force and success. She is always adequate to her subject; her views are wide and her arguments and illustrations well chosen, solid, and impressive; and she never leaves us dissatisfied with poverty of conception, or superficial, hasty reasoning. Her remarkable share of acuteness and discernment enabled her to avoid confusion of ideas and sophistry of argument.

Were we asked to point out any one specimen of her power of discrimination, and, we add, her habits of careful observation, we should be satisfied with referring to her 'Observations on Sects and Establishments,' which no one can read without a strong feeling of admiration for the sagacity of the author. Of her sound judgment and plain good sense no one, in the least conversant with her writings, can entertain a doubt; they appear in all her productions. She never disgusts us by extravagance; she cannot be pronounced visionary and speculative. She does not constantly strive for effect, nor attempt to dazzle or astonish; she never writes for display, never resorts to a style of extravagance and overwrought description, that common artifice of the vulgar sort of writers. Sound reasoning and good sense form the texture of her graver performances. These are set off by the charms of a natural, chaste, and masculine eloquence. She felt no blind veneration for system, timehallowed forms and opinions; but was accustomed to exert the understanding, and allow great weight to its decisions. Her views and illustrations, her trains of thought and argument, without being farfetched, appear just and forcible, for they are drawn from her own reflections, from surrounding nature, and the common sentiments and common feelings of the human breast. She conducts us to truth through avenues at once short, inviting, and beautiful. We often know not, whether more to admire the important practical

conclusions in which she rests, or the simple and pleasing process by which she arrives at them.

With a vigorous and large understanding she united a gay and vivid fancy. She excelled in light and sportive description. That rich and exquisite vein of humor, which diffused such a charm over the pages of Addison, was never attempted by her. But in short and lively sketches, in slight, airy, and winning narrative, she will be admitted to have been uncommonly happy. For attempts of this kind she was remarkably well fitted by her playfulness of fancy, ready invention, and power of investing her thoughts in light and graceful drapery. In all her graver pieces, intellect predominates over imagination. The latter faculty was in her rather sprightly and beautiful, than splendid and imposing; it pictured out quiet and attractive scenes; it was not the parent of lofty inspiration. On subjects of a common nature and common interest, she never fails of affording us high gratification.

None will withhold from Mrs Barbauld the praise of correct taste. Whatever capricious judgments may be pronounced concerning her merits in other respects, on this point there can be no dissent. As a critic, she was impartial and sagacious. She had a relish for the genuine beauties of nature and of art; nor was she insensible to the more hidden graces of sentiment and expression. As a writer, she has few blemishes. Her powers originally well balanced, her quick apprehension, her calm temperament, and early familiarity with the best models, were favorable to the acquisition of a delicate taste, and she did not want the industry requisite for maturing it.

Of her style, little need be added to the incidental notices already taken. It is marked by great purity and correctness, and exhibits a happy union of strength, simplicity, and grace; usually plain, transparent, and expressive; on lighter subjects, rapid and lively, and on the more weighty, dignified and full. It is sufficiently embellished, without superfluous ornament, and refined, without ceasing to be natural.

It only remains to speak briefly of the moral and devotional character of her writings. All will allow her great purity and elevation of mind and feelings. She had sound and fixed principles of morality. These principles, with her, did not remain mere cold abstractions; they send an influence to the heart; they tinge all her reflections, views, and language. Her writings not merely recognise the lasting and unalterable distinctions of

right and wrong as a part of speculative ethics; there is a moral air, coloring, and drapery thrown over all of them, and so firmly adhering, that they cannot be removed, without destroying the whole form and texture. To assert that her pages send out no poisonous influence, that the spirit which breathes from them, is incapable of tarnishing a mind of unsullied whiteness, is to allow her but a small part of her merit. No one can become familiar with her language and sentiments, without being sensible, not merely that his feelings have received no injury, no stain, but that they have gained something in vigor and delicacy. Moral ideas are introduced into her writings frequently enough to impart a hue, a prevailing expression, to her ordinary trains of thought, but never appear misplaced or obtrusive. The cast of her morality, though pure and elevated, is not gloomy and ascetic. She was not by temperament inclined either to fanaticism or rigor; but was serious without austerity, and, without romantic sentiment, possessed feelings alive to the delicate shades of moral beauty.

With Mrs Barbauld's devotional taste and feelings, the public is already well acquainted. Several of her beautiful hymns have long enriched our best collections of sacred poetry, and are esteemed by all who are capable of taking delight in sentiments of elevated and confiding piety, clothed in the attractions of verse. The devotional spirit of her 'Hymns in Prose for Children,' is felt, we presume, by most persons, to constitute one of their distinguishing excellences, and to add greatly to the charms of those simple, impressive, and deservedly popular productions. Her piety was calm and rational, yet a pervading sentiment, intimately blending with all her views, affections, and hopes. It partook of a serene and cheerful, rather than of a desponding and anxious character. Whenever the train of her reflections leads her to introduce devotional sentiments, she conveys them in language at once definite and forcible. She never loses herself in the cloudy regions of mysticism, never disgusts us by gross ideas and coarseness. She was a friend to earnestness, fervor, and simplicity in devotion, and it is matter of pleasing reflection, that writings of so popular a stamp, destined to form part of our familiar literature, breathe a moral and devotional spirit so unexceptionable, so pure, and so elevated.

We now proceed to illustrate our observations by a few extracts. Mrs Barbauld's works are of a very miscellaneous character. The first volume, besides a well written Memoir of the

author by Miss Aikin, contains her poems, most of which have before appeared in the collection already alluded to, in separate pamphlets, and the magazines of the day; and they are now collected and arranged, we are told, in nearly a chronological order. Of these poems many are of a light, though pleasing character, and written in an easy and correct style of versification. The longest, and certainly one of the best in point of poetic merit, is 'Eighteen Hundred and Eleven.' This charming production of genius and taste would of itself be sufficient to establish Mrs Barbauld's fame on an immoveable basis. It strongly reminds us of the best strains of the author of 'The Deserted Village,' and 'The Traveller.' But we will not mar it by any extracts.

As a specimen of the author's powers of familiar, lively, and somewhat humorous description, may be mentioned the lines on 'Washing day.' The following stanzas from the 'Ode to Remorse' may be taken as an example of her more dignified and serious manner.

'Dread offspring of the holy light within,
Offspring of Conscience and of Sin,
Stern as thine awful sire, and fraught with woe
From bitter springs thy mother taught to flow,—
Remorse! To man alone 't is given
Of all on earth, or all in heaven,
To wretched man thy bitter cup to drain,
Feel thy awakening stings, and taste thy wholesome pain.'

'Thy goading stings the branded Cain
Cross the' untrodden desert drove,
Ere from his cradling home and native plain
Domestic man had learnt to rove.
By gloomy shade or lonely flood
Of vast primeval solitude,
Thy step his hurried steps pursued,
Thy voice awoke his conscious fears,
For ever sounding in his ears
A father's curse, a brother's blood;
Till life was misery too great to bear,
And torturing thought was lost in sullen dumb despair.'

'Mark that poor wretch with clasped hands!
Pale o'er his parent's grave he stands,—
The grave by his ingratitude prepared;
Ah then, where'er he rests his head,

On roses pillowed or the softest down,
Though festal wreathes his temples crown,
He well might envy Guatimozin's bed,
With burning coals and sulphur spread,
And with less agony his torturing hour have shared.

For Thou art by to point the keen reproach;
Thou draw'st the curtains of his nightly couch,
Bring'st back the reverend face with tears bedewed,
That o'er his follies yearned;
The warnings oft in vain renewed,
The looks of anguish and of love,
His stubborn breast that failed to move,
When in the scorner's chair he sat, and wholesome counsel spurned.

Lives there a man whose laboring breast
Is with some dark and guilty secret prest,
Who hides within its inmost fold
Strange crimes to mortal ear untold?
In vain to sad Chartreuse he flies,
Midst savage rocks and cloisters dim and drear,
And there to shun thee tries:
In vain untold his crime to mortal ear,
Silence and whispered sounds but make thy voice more clear.' Vol. I. pp. 178–181.

Mrs Barbauld's later productions give evidence of the mellowing influence of time. A few of them certainly make near approaches to the pathetic. The following, 'On the Death of the Princess Charlotte,' is beautiful and touching.

Yes, Britain mourns, as with electric touch,
For youth, for love, for happiness destroyed,
Her universal population melts
In grief spontaneous, and hard hearts are moved,
And rough unpolished natures learn to feel
For those they envied, levelled in the dust
By Fate's impartial stroke; and pulpits sound
With vanity and woe to earthly goods,
And urge and dry the tear.—Yet one there is
Who midst this general burst of grief remains
In strange tranquillity; whom not the stir
And long drawn murmurs of the gathering crowd,
That by his very windows trail the pomp

Of hearse, and blazoned arms, and long array
Of sad funereal rites, nor the loud groans
And deep felt anguish of a husband's heart,
Can move to mingle with this flood one tear:
In careless apathy, perhaps in mirth,
He wears the day. Yet is he near in blood,
The very stem on which this blossom grew,
And at his knees she fondled in the charm
And grace spontaneous which alone belongs
To untaught infancy:—Yet, O forbear!
Nor deem him hard of heart; for awful, struck
By Heaven's severest visitation, sad,
Like a scathed oak amidst the forest trees,
Lonely he stands; leaves bud, and shoot, and fall;
He holds no sympathy with living nature
Or time's incessant change. Then in this hour,
While pensive thought is busy with the woes
And restless change of poor humanity,
Think then, O think of him, and breathe one prayer,
From the full tide of sorrow spare one tear,
For him who does not weep! pp. 197, 198.

The 'Thought on Death,' written at the age of seventyone, we cannot forbear to quote, notwithstanding it has been so often published.

When life as opening buds is sweet,
And golden hopes the fancy greet,
And Youth prepares his joys to meet,—
Alas how hard it is to die!

When just is seized some valued prize,
And duties press, and tender ties
Forbid the soul from earth to rise,—
How awful then it is to die!

When, one by one, those ties are torn,
And friend from friend is snatched forlorn,
And man is left alone to mourn,—
Ah then, how easy 't is to die!

When faith is firm and conscience clear,
And words of peace the spirit cheer,
And visioned glories half appear,—
'T is joy, 't is triumph then to die.

When trembling limbs refuse their weight,
And films, slow gathering, dim the sight,
And clouds obscure the mental light,—
'T is nature's precious boon to die. p. 188.

The second volume contains a selection from the author's private correspondence, and most of her miscellaneous pieces in prose, published in different forms during her life. Her letters are easy and natural. They have not the simplicity and charms of Cowper's; they appear less the effusions of the heart than his. They have less wit and brilliancy, perhaps, than Lady Montague's; less of passionate sentiment, and less the air of the world, than those of Madame Sévigné; they are, however, sprightly and agreeable, and on the whole leave an impression highly creditable to the author. They are in a familiar strain, occasionally interspersed with a little light criticism, but contain fewer notices of contemporary events, and fewer literary anecdotes of the times, than could be wished. Those written during her travels on the continent, contain some pleasing descriptions, though the topics and incidents have little of the attraction of novelty. But our readers may be pleased to have an opportunity of judging for themselves, of the merits of her epistolary style. The following is a pretty favorable specimen.

'Believe me, my dear Betsy, my heart has some time reproached me for being in your debt. I am much obliged to you for your kind invitation to Bedford: certainly few things would give me more pleasure than conversing with my Betsy; but it will not be in my power to reach Bedford this time. I have already been so long from home, that they begin to be impatient for my return, and I would not trespass too far upon their goodness who, I am sensible, in some measure deny themselves in being without me.

'Patty and I are now with Mrs K. She and I are great walkers, and in fine weather often stroll about almost all the morning; but we have very little to do with visiting any public places except the playhouses, where we have been three or four times. Last night we saw the West Indian, a very pretty play, as we thought on reading it; but the characters are so ill cast, that we had not half the pleasure in seeing it. One part, indeed, the Irishman, was excellently done, but that was the only one; I think they seem to want actors very much for easy, genteel characters, which are more difficult to support than mimicry or strong marked passions. The chaste and delicate sensibilities of a young un-

practised heart, or the decorums of a virtuous character, must be very difficult to assume; and indeed there are so many qualifications requisite to make a perfect actor, it is almost pity one possessed of them should follow the profession, nor is it surprising there should be but one upon the stage at once. . . . . I admire Mrs K. beyond most women I know, that engaged as she is by matrimonial connexions, she is not engrossed by them, but has a heart as open to every other endearing relation and friendly sentiment as ever. It is not true, what Dr Fordyce insinuates, that women's friendships are not sincere; I am sure it is not; I remember when I read it I had a good mind to have burnt the book for that unkind passage. I hope the Doctor will give us our revenge, as he has begun his sermons to young men; they were advertised in the papers,—was it not a piece of parade unbecoming a preacher? It would be difficult to determine whether the age is growing better or worse; for I think our plays are growing like sermons, and our sermons like plays.'

The miscellaneous pieces are of unequal merit; many of them contain rich treasures of thought and expression; some are of the first order of excellence, and all are capable of affording either instruction or pleasure. The essay 'Against Inconsistency in our Expectations' deserves all the praise it has ever received. It contains a great deal of sound practical ethics, and much sprightliness and eloquence. We can hardly point to a piece, which, within the same compass, embodies more good sense, and presents views of life more just or more happily illustrated.

The longest piece in the volume, of all Mrs Barbauld's compositions, is that called forth by the publication of Wakefield's 'Enquiry concerning Public or Social Worship.' Though occasional in its origin, it relates to topics of general and permanent interest, and exhibits a compass of thought, a force of argument, and a correctness and felicity of language, which entitle it to rank with the best productions of English literature.

Of the remaining pieces in this volume, those on 'Education' and 'Prejudice,' will perhaps be read with the deepest interest. They were among the author's later productions, and may be regarded as containing the results of her maturest reflections, aided by wide observation and long experience. They bear the impress of her usual good sense and practical judgment, and have more than her usual share of spirited and impressive eloquence. The first has a tendency to calm the anxious fears of

parents, arising from a view of the numerous conflicting systems of education, by teaching that the process, by which a 'human being is formed to be what he is,' has more simplicity in it than is generally imagined; that it is going on every day; that it may be aided by artificial provisions, but that time, nature, and situation, with the numerous checks and excitements they offer, are principally concerned in carrying it forward. But the train of her thoughts will be best understood from her own language.

'You engage for your child masters and tutors at large salaries; and you do well, for they are competent to instruct him: they will give him the means, at least, of acquiring science and accomplishments; but in the business of education, properly so called, they can do little for you. Do you ask, then, what will educate your son? Your example will educate him; your conversation with your friends; the business he sees you transact; the likings and dislikings you express; these will educate him; —the society you live in will educate him; your domestics will educate him; above all, your rank and situation in life, your house, your table, your pleasure grounds, your hounds and your stable will educate him. It is not in your power to withdraw him from the continual influence of these things, except you were to withdraw yourself from them also. You speak of *beginning* the education of your son. The moment he was able to form an idea, his education was already begun; the education of circumstances—insensible education—which, like insensible perspiration, is of more constant and powerful effect, and of infinitely more consequence to the habit, than that which is direct and apparent. This education goes on at every instant of time; it goes on like time; you can neither stop it nor turn its course. What these have a tendency to make your child, that he will be. Maxims and documents are good precisely till they are tried, and no longer; they will teach him to talk, and nothing more. The *circumstances* in which your son is placed will be even more prevalent than your example; and you have no right to expect him to become what you yourself are, but by the same means. You, that have toiled during youth, to set your son upon higher ground, and to enable him to begin where you left off, do not expect that son to be what you were,—diligent, modest, active, simple in his tastes, fertile in resources. You have put him under quite a different master. Poverty educated you; wealth will educate him. You cannot suppose the result will be the same. You must not even expect that he will be what you now are; for though relaxed perhaps from the severity of your frugal habits, you still derive advantage from having formed them; and, in your heart, you like

plain dinners, and early hours, and old friends, whenever your fortune will permit you to enjoy them. But it will not be so with your son: his tastes will be formed by your present situation, and in no degree by your former one.'

'Do we see a father who is diligent in his profession, domestic in his habits, whose house is the resort of well informed intelligent people—a mother whose time is usefully filled, whose attention to her duties secures esteem, and whose amiable manners attract affection? Do not be solicitous, respectable couple, about the moral education of your offspring! do not be uneasy because you cannot surround them with the apparatus of books and systems; or fancy you must retire from the world to devote yourselves to their improvement. In your world they are brought up much better than they could be under any plan of factitious education which you could provide for them: they will imbibe affection from your caresses; taste from your conversation; urbanity from the commerce of your society; and mutual love from your example. Do not regret that you are not rich enough to provide tutors and governors, to watch his steps with sedulous and servile anxiety, and to furnish him with maxims it is morally impossible he should act upon when grown up. Do not you see how seldom this over culture produces its effect, and how many shining and excellent characters start up every day, from the bosom of obscurity, with scarcely any care at all?'

The second essay alluded to, is devoted to an examination of the use of prejudices in education, and triumphantly exposes the fallacy of the maxim sometimes avowed, 'Give your child no *prejudices;* let reason be the only foundation of his opinions; where he cannot reason, let him suspend his belief.'

'But it is in truth,' observes the author, 'the most absurd of all suppositions, that a human being can be educated, or even nourished and brought up, without imbibing numberless prejudices from every thing which passes around him. A child cannot learn the signification of words without receiving ideas along with them; he cannot be impressed with affection to his parents and those about him, without conceiving a predilection for their tastes, opinions, and practices. He forms numberless associations of pain or pleasure, and every association begets a prejudice; he sees objects from a particular spot, and his views of things are contracted or extended according to his position in society: as no two individuals can have the same horizon, so neither can any two have the same associations; and different associations will produce different opinions, as necessarily as, by the laws of perspective, different dis-

tances will produce different appearances of visible objects. Let us confess a truth, humiliating perhaps to human pride;—a very small part only of the opinions of the coolest philosopher are the result of fair reasoning; the rest are formed by his education, his temperament, by the age in which he lives, by trains of thought directed to a particular track through some accidental association—in short, by *prejudice*. But why, after all, should we wish to bring up children without prejudices? A child has occasion to act, long before he can reason. Shall we leave him destitute of all the principles that should regulate his conduct, till he can discover them by the strength of his own genius? If it were possible that one whole generation could be brought up without prejudices, the world must return to the infancy of knowledge, and all the beautiful fabric which has been built up by successive generations must be begun again from the very foundation.'

There is a third volume, which came out after the others, entitled 'A Legacy for Young Ladies, consisting of Miscellaneous Pieces in Prose and Verse, by the late Mrs Barbauld.' It was, as its title indicates, a posthumous publication. The pieces composing it were found among the author's papers after her death, and are designed partly to 'enforce moral truths,' and convey 'instruction in history and other branches of the graver studies of youth,' and partly to exercise the ingenuity and form the taste by light and pleasing, though correct and highly finished sketches. It is sufficient to say of them here, that, in point of literary merit, they do not detract from the high fame of the author; they convey valuable ideas in an agreeable dress; and are adapted to preserve the purity of the female mind, while they furnish occupation for the understanding, and tend to excite and amuse the fancy. The volume contains, besides the 'Legacy,' the fourteen pieces contributed by Mrs. Barbauld to the 'Evenings at Home,' her 'Hymns in Prose,' and the Critical Essay originally prefixed to her 'Selection from the Spectator, Tatler, Guardian.'

Those parts of her writings, which are designed particularly for children, are too well known, and their merits too generally acknowledged, to call for any remarks. They belong to a most useful class of productions, and one with which we have been hitherto but scantily supplied, partly because their importance has not been sufficiently felt, and partly on account of the peculiar difficulty of executing them. A work designed for infant

and juvenile minds, if it be such as it ought to be, must combine several excellences not very easy of attainment. Hitherto good works of this kind have been rare. The task of making books for children, has been performed, with comparatively few exceptions, by a very worthless class of writers, mere hireling scribblers, who have been entirely regardless of the great moral purpose of education; or by well meaning, but weak minds, wholly unfit for an employment requiring a rare union of delicacy and judgment. The want of something better adapted to the objects of infant education is now generally felt, and we are gratified to witness a disposition in writers of superior merit, at the present day, particularly females, to furnish them. Much remains to be done. It will be long before all, which is capable of being performed in this department, will be accomplished. We flatter ourselves, however, that the deficiency will not long remain as great as it now is; but that something will be done to meet the demands of the age. We trust that the time is not far distant, when careful parents will no longer be compelled, for want of something better, to subject the minds of their children to the sinister influence of works, the starveling offspring of ignorance and quackery; when the whole mass of ill adapted and senseless productions, which now load the shelves of the nursery, and fill the juvenile cabinet, will be thrown aside, and works of a more unexceptionable cast and higher aim will take their places.

ART. IX.—*Message from the President of the United States, transmitting a Report from the Secretary of State, with Copies of the Correspondence with the Government of France, touching the Claims of American Citizens for Spoliations.* February, 1825.

IN a former number of this Journal, we presented our readers with a sketch of the history of the claims of American citizens on the governments of Naples and of Holland, and of the negotiations of the American government, to procure the liquidation and settlement of those claims. A lucid and instructive account of the claims of our citizens on the government of Denmark has been

published in a contemporary Journal.* We proceed therefore, in the pursuit of the plan originally formed by us, to the consideration of the claims of our citizens on the government of France. These claims, at present, form the subject of our most important controversy with foreign powers. We call it the most important, both because the amount of property involved in it is greater, than is involved in all our other controversies of a similar kind, and because, on the nature of the settlement we may be enabled to make, with France, depends the nature of the settlement we may make with Naples, Holland, and Denmark. When we shall have successfully asserted our claims on France, we shall of course meet with no powerful obstacles, in obtaining justice from the secondary powers; and till we have enforced our rights against the stronger, it would be beneath the dignity of our national character, to assume a lofty and coercive tone, towards the weaker.

It may be necessary to inform some of the younger portion of our readers, precisely in what our claims on France had their origin. It is now twenty years, within a few months, since the famous Berlin decree was promulgated by Napoleon, at the city, whose name it bears. The alleged provocation of this decree was the blockade of the coasts of France and Holland, and of a part of Germany, by the British, and the refusal of the British to permit neutrals to carry on, in a time of war, a trade between the colonies of a belligerent and the mother country, not permitted by the belligerent, in time of peace. These pretensions of the British Government had been strenuously resisted by that of the United States, and formed part of the subjects of the protracted negotiations, first of Mr Monroe, and subsequently of that gentleman and Mr Pinkney. If Napoleon ever entertained the expectation that the government of the United States would be able, through the mild medium of negotiation, to induce the British cabinet to relax from these pretensions, it was not long before he chose to adopt the more violent course of retaliation, and to take the matter into his own hands. Accordingly, on the twentyfirst of November, 1806, the following decree was promulgated at Berlin, with a long preamble which we omit.†

* Since published in a separate form by its author, the Hon. Caleb Cushing of Newburyport.

† The preamble appears without the decree, in Wait's State Papers, VII. 163.

'ART. I. The British islands are declared in a state of blockade.

'ART. II. All commerce and correspondence with the British islands are prohibited. In consequence, letters or packets addressed either to England, or to an Englishman, *or in the English language*, shall not pass through the post office, and shall be seized.

'ART. III. Every subject of England, of what rank or condition soever, who shall be found in the countries occupied by our troops, or by those of our allies, shall be made a prisoner of war.

'ART. IV. All magazines, merchandise, or property whatsoever, belonging to a subject of England, shall be declared lawful prize.

'ART. V. The trade in English merchandise is forbidden; all merchandise belonging to England, or coming from its manufactories or colonies, is declared lawful prize.

'ART. VI. One half of the proceeds of the confiscation of the merchandise and property, declared good prize by the preceding articles, shall be applied to indemnify the merchants for the losses which they have suffered by the capture of merchant vessels, by English cruisers.

'ART. VII. No vessel coming directly from England or the English colonies, or having been there, since the publication of the present decree, shall be received into any port.

'ART. VIII. Every vessel contravening the above clause, by means of a false declaration, shall be seized, and the vessel and cargo confiscated, as if they were English property.

'ART. IX. Our tribunal of prizes at Paris is charged with the definitive adjudication of all the controversies, which may arise within our empire, or in the countries occupied by the French army, relative to the execution of the present decree. Our tribunal of prizes at Milan shall be charged with the definitive adjudication of the said controversies, which may arise within the extent of our kingdom of Italy.

'ART. X. The present decree shall be communicated by our minister of exterior relations, to the kings of Spain, of Naples, of Holland, and of Etruria, and to our allies, whose subjects, like ours, are the victims of the injustice and barbarism of the English maritime laws. Our ministers of exterior relations, of war, of marine, of finances, of justice, and our postmasters general are charged, each in what concerns him, with the execution of this present decree.' *

* Different versions prevailing of this decree, we have adopted that

This decree, as appears on its face, though operating almost exclusively on American commerce, was ostensibly applicable to all nations. Some of its provisions are in direct violation of the law of nations, and of the provisions of the Convention of 1800, then existing between America and France. It may be observed, however, that it subjected to confiscation only such merchandise as was British property, or of the manufacture or produce of Great Britain, or of her colonies. With respect to vessels coming from England, it went no further, than to declare that they should not be received into French ports, and such vessels were, with their cargoes, made liable to confiscation, only in case they should have contravened that provision, by means of a false declaration.* This decree remained for a considerable time comparatively inoperative. It drew from the British government, in the month of January following, a prohibition of the coasting trade from port to port in France, but it attracted, upon the whole, no great attention in America. During the first months after its promulgation, a number of American vessels arrived in France, which had been compelled, on their passage, either by stress of weather or by force, to put into English ports. The question of course arose in France, whether in virtue of the seventh article of the Berlin decree, such vessels were liable to seizure; whether the article was aimed only at vessels, that should go voluntarily to England, or included also such as put in only, by what is called *relâche forcée*. The French ministers, not choosing to decide these questions at once, allowed the cargoes of vessels in this situation to be landed and deposited in the public stores, till the will of the Emperor should be ascertained. The cargoes were also allowed to be delivered to the consignees, on their giving bonds to refund the estimated value, in case of a final decree of condemnation. It was not till the fourth of September, 1807, that the most rigorous construction was given to the seventh article of the Berlin decree, by a circular of the Director General of the Customs; and to this construction a retrospective force appears to have been given, over all the vessels and cargoes, which unfortunately had been awaiting a decision.† About the first of November,

officially communicated to Congress from the department of State, February 19, 1807. See *Wait's State Papers*, vol. v. p. 478. For another version, see *The Diplomacy of the United States*, p. 119.

* Mr Gallatin's Letter to the Baron Pasquier, 9th May, 1820.

† Mr Gallatin's Letter of the 10th of January, 1822, to the Viscount Montmorency.

1807, the Horizon, a vessel owned, we believe, in Boston, was condemned by the Council of Prizes, under the Berlin decree. She had been wrecked on the rocks near Morlaix, in the month of May preceding, and this was the first case of the condemnation of an American vessel under that decree. A spirited remonstrance was made on the occasion by General Armstrong, but without effect.*

On the 11th of November, 1807, and when the effect of the Berlin decree on neutral commerce was ascertained, the first British orders in council were published in alleged retaliation.† As Bonaparte had made the blockade of the French coasts and the revival of the rule of '56 the justification of the Berlin decree, so the orders in council were promptly followed by the Milan decree, bearing date December 11th, 1807. Though somewhat long, we apprehend the reader would wish to have the means of convenient recurrence to it, in this discussion, and we accordingly quote, entire, the official translation of the department of state, omitting, however, the preamble.

'ART. I. Every ship, to whatever nation it may belong, that shall have submitted to be searched by an English ship, or to a voyage to England, or shall have paid any tax whatsoever to the English government, is thereby and for that alone declared to be *denationalized*, to have forfeited the protection of its king, and to have become English property.

'ART. II. Whether the ships thus denationalized by the arbitrary measures of the English government enter into our ports, or those of our allies, or whether they fall into the hands of our ships of war, or our privateers, they are declared to be good and lawful prize.

'ART. III. The British islands are declared to be in a state of blockade, both by land and by sea. Every ship, of whatever nation, or whatsoever the nature of its cargo may be, that sails from the ports of England or those of the English colonies, and of the countries occupied by English troops, and every vessel proceeding to England, or to the English colonies, or to countries occupied by English troops is good and lawful prize, as contrary to the present decree, and may be captured by our ships of war or by our privateers, and adjudged to the captors.

'ART. IV. These measures, which are resorted to only in just retaliation of the barbarous system adopted by England, which assimilates its legislation to that of Algiers, shall cease to have

* Wait's State Papers, vi. 463. † Ibid. vi. 62.

any effect, with respect to all nations, who shall have the firmness to compel the English government to respect their flag. They shall continue to be rigorously in force, as long as that government does not return to the principle of the law of nations, which regulates the relations of civilized states in a state of war. The provisions of the present decree shall be abrogated and null in fact, as soon as the English abide again by the principles of the law of nations, which are also the principles of justice and honor.

'All our ministers are charged with the execution of the present decree, which shall be inserted in the bulletin of the laws.'

Although this decree, like that of Berlin, was nominally applicable to all nations, the chief operation of both was on the United States of America. In consequence of their provisions, an immense quantity of American property was captured and condemned. But these decrees were by no means the limit of the arbitrary and unjust policy pursued by France, toward the United States. There were other acts exclusively directed against our commerce, having the intention, as they had the effect, of sweeping the poor remnant of it from the ocean, exposed, as it was, beneath the frail protection of a pacific neutral, to the tremendous collision of the overgrown powers, that waged the great warfare of the civilized world, and affected to say to us

> 'T is dangerous when the *weaker* nature comes
> Between the pass and fell incensed points
> Of mighty opposites.

To meet the extraordinary state of things, that existed in the world, and to withdraw the American commerce from the grasp of the unprincipled policy of the belligerents, an embargo was laid on all the American ports, by the act of Congress of December, 1807. This measure, designed to be not only one of preservation to our own citizens, but of coercion on the belligerents, was also followed up, by urgent remonstrances, addressed to both of them. They were of course ineffectual and worse than ineffectual, for they seemed to be received with derision. On the 17th of April, 1808, a decree was published at the imperial head quarters of Bayonne, directing the seizure of 'all American vessels, now in the ports of France, or which may come into them hereafter.' The alleged pretence of this decree was, that as, in consequence of the American embargo, no American vessel could be lawfully at sea, there was fair ground

of presumption that all American vessels navigating abroad, were doing it on British account, or in British connexion. This explanation, as ridiculous as it was inadequate and offensive, was in direct contradiction of the notorious fact, that almost every American vessel, which happened to be at sea, when the embargo was laid, remained abroad by order of the owner,* and also to the fact, that many American vessels had sailed in contravention of the embargo; thereby, as was justly urged, by Mr Madison, in a despatch to General Armstrong, contravening our own laws, and incurring the penalties of those laws, but not denationalizing themselves, nor authorizing a seizure by a foreign power.

So severe was the operation of the embargo, on the commercial and agricultural interests of the United States, and so ineffectual had it proved, as an instrument of coercion toward the belligerents, that, by a law of the 1st of March, 1809, the act laying the embargo was repealed in respect to all countries except England and France. By the same law, usually called the Nonintercourse Law, the vessels and merchandise of both England and France were excluded from the American ports, after the twentieth of the following May. It was, however, provided by the same law, that if either France or Great Britain should so revoke or modify her edicts, that they should cease to violate the neutral commerce of the United States, the commercial intercourse of the United States should be renewed with the nation thus revoking or modifying its decrees. On the 29th of April, 1809, this law was communicated by the American minister to the French government. No indication was given by the French government, that it was regarded as a hostile measure. Towards the end of this year, however, orders were given to seize all American vessels, in the ports of France or of countries occupied by the French armies; and after a great many seizures had been made, in consequence of these orders, principally in the ports of Spain and Holland, an imperial decree was issued, bearing date at Rambouillet on the 23rd of March, 1810, confirming the seizures just mentioned; extending the principle of them to all American vessels, which should have entered France, or the dependent countries since May 20th, 1809, and directing the product of the sales, to be paid into the

* Wait's State Papers, vii. 164. Mr Gallatin's Letter to the Duke of Richelieu, 9th of November, 1816.

caisse d'amortissement. The pretence of this 'outrageous measure,' as it is justly called by Mr Gallatin,* was the act of Congress of March 1st, 1809, prohibiting the entry of British and French vessels into our ports. The iniquity of the Rambouillet decree was, that while the American law provided for the remission of the forfeiture, in any case, where the parties were ignorant of the law, the French decree was retrospective in its operation, and extended to American vessels, which had sailed a twelvemonth before its promulgation.

Under these four general decrees, namely, of Berlin and Milan, of Bayonne and Rambouillet, and by various special orders, some of which were never formally communicated to our government, a vast quantity of American property was seized. This may be conveniently classed under two heads, presenting cases somewhat different in their aspect, although equally imperative in the claim for indemnity. The first class is that of property, which has never been condemned; the second, that which underwent the formal adjudication of the prize courts, and was confiscated. For the more distinct apprehension of the nature of these claims, it was directed in the resolution of the House of Representatives of the United States, moved by Mr Everett, that in the schedule to be reported by the Secretary of State, a discrimination should be made between the two classes.

The first class of claims, that is, those for property which has never been condemned, embraces the vessels and cargoes burned at sea, and those sequestered in the ports of France and the dependent nations.

We may dismiss the case of the vessels and cargoes burned at sea, with a single observation of Mr Gallatin to the Duke of Richelieu, in his letter to that minister already cited. 'It is not necessary to make any observations on the destruction of vessels at sea, *your Excellency having already intimated, that the government of France was disposed to make restitution for acts of that nature.*'

The vessels and cargoes sequestered and not condemned, consist principally of such as arrived at Antwerp, in the beginning of 1807, to the number of seven, and being permitted to be landed there, were sequestered and finally sold, by virtue of an order of government of May, 1810; of such as were seized at

* The last cited letter to the Duke of Richelieu.

St Sebastian toward the close of 1809 and in the beginning of 1810, and which were sold in conformity to the Rambouillet decree; and of fourteen vessels, which in the winter of 1809–10, having been driven into Holland, were there seized, and, by virtue of a particular agreement between Holland and France, bearing date March 16th, 1810, put at the disposition of France. In none of these cases was there either trial or condemnation. The vessels and cargoes were simply seized and sold by order of the government, for all whom it might concern, and the proceeds deposited in the public treasury, where in the eye of reason and public law they still remain; and it is left to the government of France, in bestowing on the claimants the poor privilege of a trial, which they have never yet had, to decide whether the seizure was or was not rightful. If it was rightful, the proceeds will of course remain in the French treasury; if not rightful, the French government, having had the use of a part of these funds for about twenty years, will probably think it time to restore them to their lawful owners.

There is one consideration in reference to this sequestered property, which puts the claim to indemnity in a very strong light, and as such is justly stated by the Committee of Foreign Affairs of the House of Representatives, in a Report of May 24th, 1824. It is this; that the property was sequestered, in virtue of an imperial decree, under suspicion of being English property, and to afford an opportunity to ascertain whether it were English property, or *bonâ fide* American property. If the latter (which it is now conceded to have been), it must of course be released. But granting it to be English, it must also be released, or paid for, under the fourth of the additional articles of the treaty of the 30th of May, 1814, between France and Great Britain. By that article, the parties stipulate to release all property put under sequestration, since the year 1792. If therefore the property of our citizens had really been, what it was wrongfully pretended to be, as a ground of seizure at Antwerp, at St Sebastian, and in Holland, it must still have been paid for, by the restored government of France, in virtue of the treaty of 1814. It is well remarked, in reference to this position of the claim, by the Committee of Foreign Affairs, in the the report just alluded to, that 'a singular spectacle will be exhibited, if payment is denied when the motive of the seizure is shown to have been false, or should any doctrine of' the present French government 'place the property of a neutral in a worse

situation than if it had belonged, as was suspected, to an enemy. Such doctrine cannot be advanced by France, unless she intends to instruct other powers, that, in all future wars, in which she may be engaged with a formidable rival, it will be more prudent to be her enemy than her friend.'

There are one or two circumstances of peculiarity, in reference to the Antwerp sequestrations, which merit the attention of the reader, and have been justly deemed by the claimants and by the American government, to form a case deserving of a separate representation to the French government, which they have, accordingly, more than once received. Among the numerous American vessels, which arrived in French ports in the year 1807, prior to the 4th of September, when, as our readers will bear in mind, a rigorous extension was given to the Berlin decree, a considerable number entered the port of Antwerp, after having been compelled to touch in England. Of these vessels, seven came consigned to two American houses, namely, the Bordeaux packet, Helena, North America, and Diamond to the house of Ridgeway; and the Perseverance, Hiram, and Mary to that of Parish. The consignees declined availing themselves of the option, which was offered by the French authorities, at Antwerp, to receive the cargoes, on entering into bond to abide the final decision of the Emperor. They preferred that the cargoes should remain in the custom house stores, subject to that decision. A severe scrutiny took place of the character of the property, which resulted in the satisfactory proof, that it was *bonâ fide* American. That fact, indeed, does not appear to have been questioned. It was, nevertheless, in virtue of imperial orders of the 29th of May, 1809, and 4th of May, 1810 sold, for the benefit of all concerned, and the proceeds eventually paid into the French treasury, where, never having been accounted for, they still are. Now to show that the proceeds of this property are still rightfully due to the American claimants, we mention the following facts. The European consignees of numerous other American vessels, which arrived at Antwerp in the same season, with the seven mentioned, accepted the offer of the French authorities, entered into bonds, and received and sold the cargoes. In no one case, were these bonds exacted by the imperial government; in no case were steps taken to recover the penalty; and in some cases, quoted by Mr Gallatin, they were formally cancelled, in favor of the consignees. This is an admission, on the part of the imperial government of France, that

there was no ground for the confiscation under its own decrees. Again, a small portion of the cargo of one of the seven vessels was taken by the consignee, and sold, and a bond given for its estimated value, and bonds were also given for some of the seven vessels themselves, that they might be sent away. *None of these bonds were ever enforced.*

But perhaps a still more important fact is the following, that indemnity has actually been paid, by the *restored* government of France, for a considerable portion of one of these cargoes. A short time after the arrival of the vessels, the house of Mr Parish sold to Messrs Fillietaz and Company, of Antwerp, two hundred and fiftysix bales of cotton, part of the cargo of the ship Hiram. It being then confidently expected, that the merchandise would be delivered to the parties, the sale was absolute, and at the risk of Mr Fillietaz. He paid the purchase money, received a proper bill of sale, and thus became invested with all the rights of the original shipper, but without a guaranty from him or the consignees. The cotton was, however, not delivered to him by the French custom house officers, but was sold at the same time and in the same manner, as the remainder of the cargoes, and for a sum exceeding four hundred thousand francs. The proceeds, undistinguished from those of the other cargoes, were, in the same manner, and under the same order, paid into the treasury of France. Now mark the difference. The American claimants, backed by all the urgency of their government, have for twenty years been soliciting the repayment of the funds in the treasury of France, arising from the sale of their property, but in vain. Mr Fillietaz, on the other hand, as a subject or resident of Belgium, applied for indemnity to the mixed commission, appointed under the treaties and conventions of Paris. His claim was allowed, and placed in the first class of those liquidated, that of *cautionments* and *deposits*, and he has received, in payment, certificates of five per cent. consolidated French stock, amounting in principal to 495,760 francs, bearing interest from the 22nd of March, 1819, together with 10,726 francs in specie for arrears of interest, after deducting the expenses of the commission and other charges.* So much better are the rights of a Belgian subject, than those of an American citizen!

Passing over many other reflections, on the subject of the

* Mr Gallatin's letter to the Viscount Montmorency, 10th of January, 1822.

sequestered property, and of the vessels and cargoes burned at sea, we proceed to a few remarks on the cases of property condemned, in which we shall do little more, as we could not possibly do better, than follow the outline in Mr Gallatin's excellent letter to the Duke of Richelieu of the 9th of November, 1816.

It is, in the first place, to be observed, that every condemnation under the Berlin and Milan decrees, however regular in its forms, was an infraction of the convention of the 30th of September, 1800, negotiated in the consulship of Napoleon, till the 31st of July, 1809, when that convention expired by its own limitation. It was expressly stipulated in the twelfth, thirteenth, and fourteenth articles of that convention, that the citizens of either country might sail, with their ships and merchandise (contraband goods excepted), from any port whatever to any port of the enemy of the other, and from a port of such enemy either to a neutral port or to another port of the enemy, unless such port should be *actually* blockaded; that a vessel sailing for an enemy's port, without knowing that the same was blockaded, should be turned away, and should not be detained, nor her cargo confiscated; that implements and munitions of war should alone be considered contraband of war; and that free ships should make free goods, in case of an enemy's property on board the ships belonging to the citizens of either country. In violation of all these stipulated rights and principles, the French decrees not only declared the British islands in a state of blockade, although it was not pretended that they were actually blockaded, but they made liable to capture and condemnation all American (as well as all other neutral) vessels, sailing on the high seas, from or to an English port, or even, which might have been visited by an English vessel, as well as every species of merchandise belonging to an English subject or of English origin. The plea of retaliation, which was not wholly unfounded in point of fact, could of course furnish France with no justification for violating the faith of treaties. The plea, that the encroachments of England on our neutral rights were not resisted, but were acquiesced in by the United States, was as offensive in spirit as it was false in fact. Nothing but the contemporaneous injuries, which we received from the French government, prevented a declaration of war against England, at least three years before it took place.

In the next place, the vessels of the United States, which were condemned, under the Berlin and Milan decrees, were often condemned, by what were called 'imperial decisions,' and

not by the acts of prize courts. This circumstance, in substance, places these cases on a level with those not condemned at all. The law of nations guaranties a fair trial to the neutral, who is so unfortunate as to fall into the hands of a belligerent, under the pretence of violating the laws of war. Not only is this the right of the neutral by the law of nations, but it was expressly stipulated by the twentysecond article of the convention of 1800. This convention remained in force till the end of July, 1809. It was even a right under the imperial decrees themselves. But of twentyseven vessels condemned by 'imperial decisions' of the kind alluded to, which had been reported to Mr Gallatin, eighteen had been seized or captured before the expiration of the convention. Their condemnation by 'imperial decisions,' was therefore a violation, not only of the law of nations, but of the provisions of the convention of 1800, and of the Berlin and Milan decrees themselves. Further, in cases where a trial was nominally had, there were several, in which the decisions of the council of prizes took place, without the observance of those forms, intended to protect the interest of the neutral; without giving the parties time to produce their evidence; without an examination of the ship's papers. By one decision of the Council of Prizes, dated the 10th of September, 1811, six vessels are thus summarily condemned at once.

Another iniquitous operation of the decrees and orders, above enumerated, was their retrospective force. This was *expressly* given to some of them, as for instance the Rambouillet decree; and that of Milan was also often made to act retrospectively. Vessels were condemned, not only which had sailed from America, before tidings of the decrees had arrived, but often, before they had been proclaimed. Such was the case of the Fame, belonging to a citizen of Boston, and made the subject of a memorial to the House of Representatives the last winter; which sailed from Boston a few days only after the date of the Milan decree, bound to Marseilles, was spoken a few leagues off that place, by an English frigate, was presently brought to by a French armed ship, and for having been thus spoken, was condemned.

With reference to the memorable juggle of the repeal of the Berlin and Milan decrees, great injustice was done to our citizens. It was announced by the French government to Mr Armstrong, and afterwards provided in a decree bearing date 28th of April, 1811, that the Berlin and Milan decrees should be without operation, as respects American vessels, from the

first of November, 1810. Nevertheless, of vessels seized or captured before that day, but not decided upon, fortyeight were subsequently condemned by the Council of Prizes, and by imperial decisions; twentynine before the twentyeighth of April, and nineteen after.

In addition to all these circumstances, several condemnations took place under frivolous pretexts, either after November 1st, 1810; or in cases not embraced in the general decrees; on the ground of alleged irregularity in the certificates of origin, or other ship's papers; suspected convoy by a British force; mutiny; or intention to remit the proceeds of sales through England.*

Such, in brief, is the nature of the acts, under which the claims of American citizens against the French government have their origin. We now proceed to relate (and we must do it most briefly) the history of the negotiations for indemnity, in which the government has been engaged, under all its administrations, since the time that the injuries were committed.

In the general instructions given to Mr Barlow, on the twentysixth of July, 1811, by Mr Monroe, then Secretary of State, the first subject to which the attention of Mr Barlow is called, is the 'claims on France, which it is expected that her government will satisfy to their full extent, without delay.' † In a letter of Mr Barlow to the duke of Bassano, of the tenth of November, 1811, the restitution of the American property remaining in sequestration, and indemnity for that confiscated and consumed, were demanded by the American minister. An answer was returned to this letter, by the duke of Bassano, in a note dated December 27th, 1811, in which no notice is taken of the subject of indemnities. Mr Barlow, immediately on the commencement of his negotiations, endeavored to bring the French government to the conclusion of a commercial treaty. In his *projet* of the treaty, no provision was made for indemnity, and on this subject he thus expresses himself, in a letter to the Secretary of State, dated April 22d, 1812.

'It really appeared to me, that the advantages of such a treaty as I have sketched, would be very great, and especially if it could be concluded soon. It is true, that our claims of indemnity for past spoliations should be heard, examined, and satisfied, which

* Mr Gallatin's Letter to the Duke of Richelieu, of the ninth of November, 1816.

† Wait's State Papers, viii, 324.

operation should precede the new treaty, or go hand in hand with it. This is a dull work, hard to begin, and difficult to pursue. I urged it a long time, without the effect even of an oral answer. But lately they have consented to give it a discussion, and the minister assures me that something shall be done, to silence the complaints, on principles that ought to be satisfactory.' *

In his Message to Congress, in its extraordinary session of June, 1812, and on the first day of that month, Mr Madison, after recapitulating the causes of complaint against Great Britain, expresses himself in the following terms, on the subject of the causes of complaint against the other great power.

'I proceed to remark, that the communications last made to Congress, on the subject of our relations with France, will have shown, that, since the revocation of her decrees as they violated the neutral rights of the United States, her government has authorized illegal captures by its privateers and public ships; and that other outrages have been practised on our vessels and our citizens. It will have been seen also, that no indemnity had been provided, nor satisfactorily pledged, for the extensive spoliations committed under the violent and retrospective orders of the French government, against the property of our citizens, seized within the jurisdiction of France. I abstain, at this time, from recommending to the consideration of Congress definitive measures with respect to that nation, in the expectation that the result of unclosed discussions, between our minister plenipotentiary at Paris, and the French government, will speedily enable Congress to decide, with greater advantage, on the course due to the rights, the interests, and the honor of our country.'

On the eleventh of October, 1812, the duke of Bassano invited Mr Barlow to Wilna, to prosecute, at that place, the negotiations begun at Paris; but the death of the American minister, on his journey through Poland, defeated the object of the invitation. On the twentyseventh of July, Mr Crawford informed the duke of Bassano, then at Dresden, of his arrival in Paris as the successor of Mr Barlow; but the absence of Napoleon, and the disastrous events of the war, prevented the prosecution of his mission. An ineffectual attempt was made by Mr Crawford to engage the French government in negotiation, in the month of December, 1813; and after this period the distracted state of affairs occasioned an entire cessation of all attempts to settle or even discuss our relations with France.

* Wait's State Papers, viii. 361.

Peace was at length restored, and with it the edifying spectacle was exhibited to the world, of a desire, on the part of France, to discharge her vast arrears to the other nations of the earth. The United States maintained a modest and considerate distance, and kept aloof during the first rush for indemnification. Our government was well apprized of the vast resources of France; it knew that a few years would put her in a condition to satisfy all the just demands on her treasury, and it took pleasure in giving a proof of patience in seeking redress, as it had given one of forbearance in enduring injuries.

At length on the fifteenth of April, 1816, Mr Gallatin was furnished with his general instructions as minister to France. In these instructions, Mr Monroe, then Secretary of State, thus expresses himself on the subject in hand.

'Cherishing these sentiments toward the French nation, under all the governments that have existed there, it has not been less a cause of surprise than of regret, that a corresponding disposition has not at all times been entertained by the French government towards the United States. The history of the last ten years is replete with wrongs received from that government, for which no justifiable pretext can be assigned. The property wrested, in that space of time, from our citizens, is of great value, for which reparation has not been obtained. These injuries were received under the administration of the late Emperor of France, on whom the demand of indemnity was incessantly made, while he was in power. Under the sensibility thereby excited and the failure to obtain justice, the relations of the two countries were much affected. The disorder, which has of late existed in France, has prevented a repetition of the demand; but now that the government appears to be settled, it is due to our citizens, who were so unjustly plundered, to present their claim anew to the French government.

'A gross sum will be received, in satisfaction of the whole claim, if the liquidation and payment of every claim founded on just principles, to be established, cannot be obtained.'

Mr Gallatin was commissioned to negotiate a separate convention on the subject, in case the king of France should prefer that mode of adjusting it.

The investigations and researches necessary to present this important matter to the French government, in an imposing light, were necessarily a work of considerable time. On the ninth of November, 1816, Mr Gallatin addressed a letter to

the Duke of Richelieu, in which the entire subject is spread out in a very masterly manner. To this letter we have already more than once referred. After briefly enumerating the decrees, under which the commerce of all neutral nations had suffered, and refuting the arguments, by which the French minister had sought, in previous conversations, to evade the necessity of indemnifying the citizens of the United States, (arguments of too slight a texture to need our notice here,) and after specifying those decrees exclusively confined to the United States, such as that of Bayonne, and that of Rambouillet, Mr Gallatin considers the claims under the twofold distinction of those for property not condemned, and those for property condemned. We have already stated, principally from his satisfactory sketch, the considerations applying respectively to each. In conclusion, Mr Gallatin recommends to the French minister, the establishment of a joint commission, or commissions, to examine and liquidate the just claims of various kinds, of the citizens of the United States, for indemnity.

Having on the twentysixth of December received no answer to this note, Mr Gallatin requested an interview with the Duke of Richelieu, with a view to a personal explanation on the subject. After an interval of three weeks, the Duke of Richelieu appointed the twentieth of January for this purpose. The interview accordingly took place. In the despatches of Mr Gallatin the following brief account of it is given.

'I requested that he [the Duke] would proceed to state, what he had concluded to offer, in answer to the basis proposed in my note of the ninth of November. He said that his offer would fall very far short of our demands; that he would not go beyond an indemnity for vessels burnt at sea, and for those the proceeds of which had been only sequestered and deposited in the *caisse d'amortissement*. He added that he would make his proposal in writing, and that this would not be attended with much delay.'

To this suggestion, Mr Gallatin replied, that if the United States should think it proper (which he could not promise) to accept an indemnity for certain classes only of the claims, it was not to be construed into an abandonment of the other just demands of their citizens.

This promise of the Duke of Richelieu to make a written proposal to Mr Gallatin was not kept. On the contrary, after a delay of about three months, Mr Gallatin was informed by the Duke that he had determined not to make him a written proposal;

and gave as the only reason for declining to enter upon the subject, that the claims of the European powers on France were of so 'frightful an amount,' that the king's ministers could not dare propose any augmentation of them, in the way of an indemnity to the American claimants. Thus ended the first effort to obtain justice. It may be added, that in the month of July, 1817, the Duke of Richelieu stated to Mr Gallatin,

'That he wished it to be clearly understood, that the postponement of our claims for spoliations was not a rejection; that a portion of them was considered as founded in justice; that he was not authorized to commit his Majesty's government, by any positive promise; but that it was their intention to make an arrangement, for the discharge of our just demands, as soon as they were extricated from their present embarrassments. He still persisted, however, in his former ground, that they could not at present recognise the debt, nor adjust its amount.'

In announcing, in the month of April, 1818, to the Chamber of Deputies, the conclusion of a convention of liquidation with foreign states, the Duke of Richelieu apprized the Chamber that, by this arrangement, France was liberated from all her obligations toward *European* powers. The adoption of this phraseology confirmed the hope that the claims of America were not intended to be shut out from eventual allowance. It was adopted in pursuance of a demand of Mr Gallatin to that effect.

On the eleventh of February, 1819, the negotiation was renewed by Mr Gallatin, in compliance with instructions from the government of the United States, and in reference specifically to the Antwerp cases, which we have already described, and to which Mr Gallatin was directed particularly to call the attention of the French government. This he did, by transmitting to the Marquis Dessolle, then minister of foreign affairs, a memorial of Mr David Parish, the consignee of three of the vessels in question, backed by a brief but satisfactory statement from Mr Gallatin himself. No answer to the letter of Mr Gallatin appears among the documents, in the correspondence communicated to Congress in February, 1824, but a letter was addressed to Mr Parish, by the Baron Louis, minister of finance, to whose department the memorial had been referred. This letter unfortunately furnishes proof, that the French minister, its author, had informed himself neither as to the provisions nor penalty of the Berlin decree, nor as to the mode, in which

the proceeds of the cargoes sequestered were disposed of. The fallacies in Baron Louis's statement are indicated by Mr Gallatin, in a letter to his own government of the third of July, 1819; but it does not appear that the correspondence was farther pursued with the government of France at this juncture, and thus ended the second movement in this negotiation.

In the summer of 1820, a third vigorous effort was made by Mr Gallatin to bring the French government to a disposition to terminate this vexatious controversy, by an amicable arrangement. On the ninth of June, 1818, he had addressed to the Duke of Richelieu a short note, inviting his attention to the cases of the *Dolly* and the *Telegraph*, two vessels which were burned at sea, in November and December, 1811, by the French frigates, La Méduse and La Nymphe, for alleged contravention of the Berlin and Milan decrees. The parties injured by these acts of violence appealed to the proper French tribunal; their remonstrance was seconded by Mr Barlow, and the suit was continued, in the regular order of procedure, till, in the commencement of the year 1820, it was decided by the council of state against the claimants.

The ground of this decision is such as would strike the American people with equal astonishment and indignation, could it be presented alone, in its naked deformity, to their notice. This ground is, that the cammanders of the French frigates could not know in November, 1811, that the Berlin and Milan decrees were repealed, because this repeal took place by virtue of a decree bearing date indeed in March, 1811, but first made public in May, 1812. We pass over the effrontery, for we know not by what milder name to call it, of making the repeal of the Berlin and Milan decrees to date from May, 1812, when, notwithstanding the caprice and irregularity which marked the proceedings of the government of Napoleon on this subject, the whole tenure of the negotiations with France, at that period, shows that they were not merely in name but in fact revoked, as far as concerns American vessels, from November 1810. We pass over this, because every thing else sinks into insignificance, compared with the fact, that the French Council of State, in 1820, sanctions the burning of American vessels under the Berlin and Milan decrees. It is proper that the American people should definitively understand, that, beneath all the evasions and polite excuses, by which the French government, since the restoration, has parried the payment of our claims, lies hid a determination

to enforce the validity and legality of the Berlin and Milan decrees. As is justly observed by Mr Gallatin, however, the right of the owners of the Dolly and Telegraph to indemnification does not rest on their establishing these decrees to be an infraction of the law of nations, or of treaty stipulations with the United States, but on the far simpler fact, that, at the time of the destruction of the vessels, these decrees had, as respects America, been revoked. This question is argued with great ability, in a letter of Mr Gallatin to the Baron Pasquier, minister of foreign affairs, dated the fifteenth of March, 1820. This remonstrance the Baron took the very unusual course of referring to the minister of justice, instead of considering it, in his own capacity, as the organ of the political relations of the country. After this reference, we hear no more of it.

In the summer of 1820, another attempt was also made by Mr Gallatin, on the subject of the Antwerp cases. In a letter to the Baron Pasquier, of the ninth of May, 1820, which has been already cited, in the course of this article, a brief history of those cases is given. No reply appears to this letter among the documents communicated to Congress in 1824, and none, we presume, was ever made. On the thirtyfirst of October, 1821, Mr Gallatin addressed the Baron Pasquier, on behalf of Mr Richard Faxon, a citizen of Boston, whose property was seized by the French at Santander, in 1812, and whose appeal to the Board of Finances had lately been dismissed. No reply of the French government appears to this remonstrance.

Meantime another change had taken place in the French ministry, and the Viscount Montmorency, who now held the port folio of foreign affairs, being supposed more favorably inclined to our citizens, on the question of indemnity, Mr Gallatin addressed him on the tenth of January, 1822, on the subject of the Antwerp cases. In this letter, from which we have derived the brief outline of these cases, given in the former part of these remarks, the American minister pursues the discussion with a detail of facts, and an array of argument, truly imposing. He concludes this masterly statement with the following dignified appeal.

'I beg leave to apply not only for that payment, but also for a speedy decision. The United States had, from the most friendly motives, yielded to the reluctance to take up the subject of American claims, which was evinced [by France] in 1817. The objection arising from the state of the finances and from the enor-

mous amount of the demands pressing, at that time, on the resources of France, has now happily ceased to exist. Time amply sufficient has meanwhile been taken for every possible investigation of this claim. The parties have already experienced most grievous losses, from the long detention of so large an amount of property. They should not be tortured by further vexatious delays. Justice when too tardy often fails of its object. When it is known, as in this case, that such is the nature of the claim, that it will be ultimately paid, intriguing speculators are never wanting, who will try to take advantage of the distance and of the necessities of the claimants, to purchase their rights at a depreciated rate. Such attempts, which even when not actually tainted, can never avoid a suspicion of corruption, it has been my duty to repel, and heretofore with success. I have told the parties to listen to no proposals, to reject all indirect interference; that their claim was indisputable and must necessarily be allowed. We employ to attain that object no other but direct means, no weapons but those of argument. I trust that they will not have been used in vain, when the appeal is made to your known loyalty, to his Majesty's high sense of justice, to those principles of good faith in discharging the obligations of the state, which in every instance, but that of the American claims, have uniformly distinguished his government.'

The manly and powerful argument, of which we have here presented the closing sentences, seems to have had an effect on the mind of the Viscount Montmorency. In a conference between that minister and Mr Gallatin, about a fortnight after the sending of this letter, the Viscount stated frankly, that, though he could not answer for his colleagues, he was himself struck with the justice of the claims, in the Antwerp cases, and regretted they had not been paid in 1819. In this conference, Mr Gallatin mentioned what he calls 'an aggravating and most extravagant circumstance,' and what we take the liberty to pronounce an unparalleled and most outrageous one, that notwithstanding his repeated applications to the government, during a period of six years, he had not been able to obtain redress in one single instance, and that with respect to the applications, relative to injuries sustained under Bonaparte's government, he had not only failed of obtaining redress, *but he had not even been honored with an answer!*

It is in the report of this interview, that we find the first mention, in the papers communicated to Congress in 1824, of the commercial difficulties, existing between France and America,

as an obstacle to the settlement of the claims for indemnity. A controversy, as our readers all doubtless remember, sprang up in 1817, between the two governments, in consequence of a heavy tonnage duty imposed by the French government on foreign vessels entering the ports of France, and the retaliatory duty laid on French vessels, in the ports of the United States. The perplexed negotiation, growing out of this policy, was, at the instance of the French ministry, transferred from Paris to Washington, and there carried on between M. Hyde de Neuville and Mr Adams. This negotiation resulted in the convention of 1822; but shortly before that convention was concluded, it seems suddenly to have occurred to the French ministry, all other pretexts for delay in the liquidation of the claims being exhausted, that a new one could be drawn from this commercial controversy.

Accordingly in the conference between Mr Gallatin and the Viscount Montmorency just referred to, an intimation appears to have been given by the French minister, that the commercial dispute between the countries was a subject of more pressing importance, and ought to be first adjusted. Mr Gallatin very justly met this suggestion, by the remark, that the commercial arrangements of the two countries were a matter of convenience and policy, in which the parties were severally free to take what course their interest dictated; while the indemnity was a matter of right, long prior in time, and totally distinct in character; and that the claim of our citizens to justice ought not to be made contingent on any thing else.

Finding in the course of several conversations with the Viscount Montmorency, that, although that minister was apparently well disposed to the claim, objections appeared to exist in the department of finance, Mr Gallatin asked the permission of the Viscount, to confer with M. de Villèle, the minister of finance, on the subject. He accordingly had an interview with M. de Villèle on the twentysecond of April, 1822. He found that the minister of finance had but a general knowledge of the facts of the case, and that he had not read Mr Gallatin's elaborate exposition of the tenth of January, 1822. But after stating the difficulties of a liquidation and payment of the claims, arising from the exhaustion of the country, he added, 'that the only way to render the payment palatable was, that it should be accompanied by the grateful information that our commercial difficulties were arranged in a satisfactory manner.'

On the third of May, 1822, Mr Gallatin again addressed a short letter to the Viscount Montmorency. We quote the first sentences of it.

'I had the honor on the tenth of January last, to address to your Excellency a note relative to the American cargoes sequestered at Antwerp. But although the conversations I have since had the honor to have with your Excellency on that subject, had led me to hope that there was a disposition to render a tardy justice to the claimants, *the note still remains unanswered.*

'It is my duty also to remind your Excellency, that *all the former notes*, which I have had the honor to address to his Majesty's ministers, either with respect to that reclamation or, generally, on the subject of the American claims, and particularly the note of the ninth of November, 1816, *have shared the same fate.* That on a subject so important, no official answer should, for such a length of time, have been given to the earnest and repeated applications of a friendly power; that where favors are not asked, but justice is demanded, there should have been such a tacit perseverance, in avoiding even to discuss the question, must be allowed to be a most uncommon proceeding in the intercourse between independent nations.'

On the eighteenth of the month, Mr Gallatin had an interview with the Viscount Montmorency, in which the latter dwelt principally on the subject of the mode, in which payment should be made for the claims, thereby seeming to admit, that they ought and should be paid. He added, however, that his colleagues in the council of ministers were unwilling to proceed, till they should hear from Washington, that the commercial difficulties were arranged. The same suggestions in substance formed the subject of an official note of some fifteen or twenty lines, dated on the first of June, 1822, which was literally extorted from the Viscount Montmorency, by the importunity of Mr Gallatin. To this note of the Viscount, Mr Gallatin replied in a cogent letter, setting forth the incongruity of the two subjects thus forced into connexion by the French government. The tenor of the letter may be inferred from the following pithy observation, at its commencement.

'It is satisfactory to find that the unfavorable suggestions heretofore made on that subject [the American claims] are no longer alluded to, and that the *only* reason assigned for its postponement *is foreign to the merits of the claim.* I had expected no less from the justice of his Majesty's government. But this new delay is as

vexatious, as unexpected; and the grounds on which it is placed appear to be altogether untenable.'

At length, in the summer of 1822, the convention was concluded at Washington. On the seventeenth of August, Mr Gallatin reminded the Viscount Montmorency of this fact, and on the thirtyfirst following, made the same intimation to M. de Villèle. Now then, no doubt, the long deferred hope is to be fulfilled; now the property of the American citizen, which has lain for sixteen years in the treasury of France, will be paid back to its languishing owners; now, at least, the French government will condescend to engage in the discussion of the subject. Let us hear M. de Villèle on the subject, then filling provisionally the ministry of foreign affairs.

'I had yesterday,' says Mr Gallatin, in a letter to the Secretary of State of the twentyfourth of September, 1822, 'a conference with M. de Villèle, on the subject of our claims. He expressed his wish that a general arrangement might take place, embracing all the subjects of discussion, between the two countries. He stated those to be, the reclamations of the United States for spoliations on their trade; those of France, on account of Beaumarchais' claim; and of the vessels captured on the coast of Africa; and *the question arising under the Louisiana treaty;* and asked whether I was prepared to negotiate upon all these points?

'I answered that I was ready to discuss them all, but that I must object to uniting the Louisiana question to that of claims for indemnity, as they were essentially distinct; and as I thought, after all that had passed, we had a right to expect that no further obstacle should be thrown in the way of the discussion of our claims, by connecting it with subjects foreign to them.'

On the sixth of November, M. de Villèle addressed a letter to Mr Gallatin, formally proposing to open a negotiation on all the points in controversy between the two countries, 'especially in what concerns the duties received in Louisiana on the French commerce, contrary to the tenor of the eighth article of the treaty of cession.'

To this proposal Mr Gallatin replied in a few days, in a vigorous remonstrance, setting forth the injustice of delaying still longer the settlement of private claims, acknowledged to be just, and so long and injuriously postponed, by connecting the question of their liquidation, with this newly started political controversy. To this remonstrance, M. de Villèle returned a peremp-

tory answer, insisting on a joint negotiation, on all the subjects in controversy. Mr Gallatin, in making known this fact to the Secretary of State, remarks; 'The object is too obvious, to require any comments, on my part, and this final decision leaves me no other course, than to refer the whole to my Government.'

And here, as a new, serious, and unexpected obstacle was thrown in the way of the claimants, it may be proper to state distinctly, but briefly, the nature of the pretension on the part of the French government, from which this obstacle arises.

By the eighth article of the convention ceding Louisiana to the United States, it was stipulated that the ships of France should for ever be treated upon the footing of the most favored nation, in the ports of Louisiana.

In consequence of the liberal proffer, made by the United States, to all governments, that may choose to accept it, the vessels of certain foreign nations, particularly Great Britain, are now treated in the ports of the United States, including those of Louisiana among the rest, on the same footing as American vessels, *in consideration*, that American vessels are treated in the ports of those nations, respectively, on the same footing as their own vessels. Although France is *not* one of the nations, that chooses to reciprocate this policy, she nevertheless requires that French vessels should, by virtue of the eighth article of the Louisiana convention, be treated in the ports of Louisiana on the same footing with the vessels of those nations, without allowing, on her part, the consideration or reciprocal condition, on which those vessels are thus treated. This is the French claim.

The justice of this claim of course depends on the understanding of what is implied in 'the most favored nation.' The United States contend, that the right to be treated on the footing of 'the most favored nation,' when not otherwise defined, and when expressed only in those words, is the right of being entitled to that treatment, gratuitously, if such nation enjoys it gratuitously, and on paying the same equivalent, if it has been granted in consideration of an equivalent. The article can have no other meaning, for this single and satisfactory reason, that, if French vessels were allowed to receive gratuitously the same treatment, which those of certain other nations purchase by an equivalent, the French would be treated not *as* the most favored nation, but *more favorably* than any other. In fact, it is incorrect, in the use of language, to speak of that treatment, under the name of a favor, which is mere matter of reciprocity, for

which an equivalent has been paid, which is no more a matter of favor than any other bargain.

Such is the substance of the controversy relative to the interpretation of the eighth article of the Louisiana cession, and with which the French ministry deem it consistent with honor and good faith to clog the liquidation of private claims, which are allowed to be founded in justice. The French ministry, having at the close of 1822, again undergone a change, Mr Gallatin, on the twentyseventh of February, 1823, addressed a letter to the Viscount de Chateaubriand, now the minister for foreign affairs, in which the unreasonableness of this new ground of delay is ably stated; and this letter closes the correspondence on this subject, communicated to Congress in 1824, and is the last that proceeded from the pen of Mr Gallatin in the negotiation. It may not be improper to observe, that the records of our diplomacy do not contain a series of letters more honorable to the ability of their author, than those of Mr Gallatin.

The negotiation was taken up by Mr Sheldon, the American Chargé d'Affaires, after the departure of Mr Gallatin, and by Mr Brown, our present minister to Paris, at the point where it was dropped by Mr Gallatin. Their correspondence with the French ministry was communicated to the House of Representatives in December, 1824. Our limits do not permit us to give an analysis of it. In a collection of documents transmitted to Congress in February, 1825, containing the correspondence of Mr Adams with M. Hyde de Neuville, on the subject of this eighth article, is a letter of Mr Brown to the Secretary of State, containing an account of a conference with the new minister for foreign affairs, the Baron Damas. The Baron gives the usual reason for not then entering on the subject, that he had been so short a time in office, that he did not know its merits. We rejoice that a plea, so little creditable to the executive functionaries of any government, no where appears on the part of the officers of our own. The subsequent efforts of Mr Brown have been attended with no happier effects than those made by Mr. Gallatin, in the conduct of the negotiation.

To enter at large into the discussion of the eighth article of the Louisiana treaty would carry us beyond our limits. We will therefore close this article, with a few general reflections.

The claims on France are highly important, in reference to the amount of property involved in them. This amount has no doubt been much exaggerated; our own opinion of it has fluc-

tuated, as various data for forming an estimate, have, at different times, suggested themselves to us. We have seen it carried as high as fifty millions, and brought as low as eight. A part of this diversity no doubt arises from different principles of making the appraisal. By one, the value of a vessel and cargo is estimated at what would have been their worth at a good market, and interest is computed on this amount. By another, the loss is stated at what was actually destroyed, without interest. Under the Florida treaty, losses, we believe, to the amount of about forty millions were stated to the commissioners, and a little over five millions were allowed by them. While the amount fairly due to our citizens from France is unquestionably very great, it is their interest not unduly to swell it.

Secondly, we observe that the payment of these claims is due to the national honor. Those acts, which form the groundwork of the claims, were also gross invasions of national right and high handed outrages upon us, as an independent people. Had not the other belligerent, by the same outrages, connected with injuries more keenly irritating, led the government to select her first, the treatment we had experienced from France would unquestionably have resulted in a war. There were many of those most decided in the policy of war with England, who would have been equally willing to declare war against France; and it was perhaps the unanimous sense of the nation, that there was cause of war against both countries. War was declared against England; and by that extreme remedy, our accounts against that country were wiped out. The injuries done us by France, injuries not merely involving the loss of a vast amount of property, but touching the national honor so nearly and deeply, as to be acknowledged on all sides to be a just cause of war, are as yet unatoned for. It is true, the government of France has changed hands; and this circumstance produces a very different state of feeling on the subject, and somewhat modifies the question as to remedy. But if the restored government refuses to make reparation for the injuries of its predecessor, if it excepts us, as it has hitherto done, from the compensation it has made to all other states, in the like circumstances; if it even refuses to allow to our merchants, citizens of a state always friendly, those claims for sequestered property, which had it been that of the enemy would have been restored or paid for; if, finally, her tribunals still proceed to condemn property under the oppressive decrees, in cases not till now adjudicated, then

we say, the present government of France sanctions and adopts the policy of Napoleon, and the question of redress remains what it would have been, had he continued to reign.

The payment by France of the claims of our merchants would be no unexampled stretch of liberality, but an act of justice, such as was promptly rendered by England in 1796, and extorted from Spain, by the late Florida treaty. That entire province, territorially of immense value to the United States, was ceded to us, principally as an indemnity for our merchants. Under the commission in England for liquidating the claims of our merchants, subsequent to the conclusion of Jay's treaty, twelve hundred thousand pounds sterling, or nearly five millions and a half of dollars, were allowed and paid. These precedents would take away all appearance of submission from the act of the French government, in satisfying the claims of American citizens; and we really see no reason why a less rigorous measure of justice should be expected from her, than from Spain and England.

Finally, we apprehend a mistaken impression prevails, in this country, as to the plea, on which France evades this act of justice. We believe it to be the common opinion, that the present government of France claims not to be bound to make reparation for the acts of the late government. Though it is true that loose suggestions to this effect, were at first dropped by the French ministers, going rather to the hardness of the case than the want of obligation, yet we cannot find that this plea was ever seriously and formally insisted upon. On the contrary, different parts of the claim have been allowed to be just, by successive French ministers; and no part distinctly maintained not to be so. The Duke of Richelieu was willing to make compensation for vessels destroyed at sea, and the Viscount Montmorency thought the Antwerp claimants entitled to indemnification. There is some appearance of an attempt to maintain the validity of the Berlin and Milan decrees, which, however, would undoubtedly be dissipated, on a very short illustration of their inconsistency with the provisions of the convention of 1800, and with the principles of the law of nations. And even should their validity be maintained by France (admitted by the United States it never will be), the number of cases fairly and regularly condemned under them, is the smallest part of those, for which compensation is asked. The greatest havoc took place, under their retrospective interpretation, under the decrees of Bayonne and

Rambouillet, and by means of extrajudicial acts of the government.

But any general pretension, that the present government of France is not bound by the acts of the former government is effectually abandoned, in setting up the very cause of delay which now impedes the liquidation of the claims. Advantages claimed by France, and refused by the United States, under the Louisiana treaty, are made the pretence of withholding indemnification from our citizens. Now the acquisition of Louisiana from Spain, and its cession to the United States, were the acts of Napoleon. This province formed no part of France, when the Bourbons were forced to leave the throne. Its acquisition and its transfer were solely the work of Napoleon. How then could the government of France insist pertinaciously on the enjoyment of privileges alleged to be secured to it by one of his acts; and pretend to hold itself not responsible for others. No such pretension is, in fact, set up; and in the words of the President of the United States, at the opening of the last session of Congress, 'the justice of these claims has not been, as it cannot be, denied.' The first plea of the French government was for time. France was stated to be overwhelmed, by the pressure of the late enemies of Napoleon. The United States generously forbore to press their demands, till the European powers had asked all they wished, and obtained all they asked. We then modestly put in our pretensions, and were told there was a tonnage question, which must first be settled. The convention of commerce is negotiated. We again mentioned the claims, and were required first to adjust the eighth article of the Louisiana convention. And in this posture the matter now stands.

We undertake not to foresee with what success negotiation can be any further pursued on this subject. Our own opinion has long been that Congress alone can negotiate upon it, and that in a more operative way than the exchange of diplomatic notes. We rely, however, on the prudence and spirit of the Executive, and doubt not the honor of the country, and the rights of our fellow citizens, will be duly and effectually asserted. Meantime it would appear, that a serious consideration of the subject is contemplated by Congress. The resolution, adopted by the House of Representatives towards the close of the last session, invites the citizens of the United States to report a statement of their claims on all foreign governments to the depart-

ment of State, and requires that department to submit to the House at its next session, a schedule of all the cases, which shall have been thus reported. With such a statement before Congress and the people, we apprehend it will not be easy to refrain from some energetic steps for procuring redress.

ART. X.—1. *Remarks, critical and historical, on an Article in the Fortyseventh Number of the North American Review, relating to Count Pulaski; addressed to the Readers of the North American Review.* By the AUTHOR of the 'Sketches of the Life of Greene.' Charleston, S. C. 8vo. pp. 37.

2. *A Reply to Judge Johnson's Remarks on an Article in the North American Review, relating to Count Pulaski.* By PAUL BENTALOU; Author of 'Pulaski Vindicated.' Baltimore. 8vo. pp. 41.

WE know of few authors more unfortunate than Judge Johnson, or whose case more sincerely deserves the commiseration of the friends of letters, and the patrons of literary enterprise. It is now about four years since he published his great work, entitled 'Sketches of the Life of General Greene,' in two quarto volumes, and in a style of typography much above the common standard of American printing. For such an effort as this, at once to illustrate a most important portion of American history, and encourage the arts, the author very naturally flattered himself, that he should meet with the applause of his countrymen. But from his own account, in his later writings, it would seem, that no man's expectations were ever more sadly disappointed. His hopes, so fresh and strong at first, have been withered in the bud, and have shrunk away from the chilling breath of public disfavor. The gantlet of authorship was never before run with so much peril, nor terminated with such disastrous consequences. D'Israeli himself would be puzzled to find matter for a more copious chapter of miseries.

The author complains of being attacked from all quarters; newspapers, pamphlets, periodical journals, and formidable volumes, have teemed with censures upon his work, and this not

in one part of the country only, but in every part. His facts have been questioned, his style criticised, many of his statements denied, his way of writing history condemned, and his talents for such an undertaking more than doubted. One would think, that, amidst such universal testimonies of disapprobation, these spontaneous strictures from all points of the compass, concurring to the same end, would raise at least a slight shadow of suspicion in the mind of an author, that they might not be wholly without foundation. But not so with Judge Johnson. The possibility of an error on his part seems never to have entered his thoughts. He imagines the whole world to be his enemies, who have seized upon this opportunity, in violation of truth, honesty, and justice, to pour out upon him the vials of their critical indignation. In opinions, which differ from his own, he 'discovers plainly the hand of personal enmity;' whoever dares to express such opinions, manifests a 'sheer ignorance of revolutionary history;' he is charged with 'credulity, ignorance, or deliberate imposition;' he is guilty of putting forth 'paltry pretexts,' and of saying things 'not worthy of the most common understanding;' he lends himself to 'an attempt to falsify history, and to extenuate or excuse crime;' he maintains positions, which none 'but an idiot could be found to contend about,' and which 'carry with them the most insulting imputations, both on the researches and the intellects of his readers;' he is 'a gasconader,' utters 'calumnies,' makes 'vain boasts and bold attempts at imposition,' aims 'most insidious blows,' and, in short, tells tales 'in which there cannot be one word of truth.' But we forbear. Such are some of the choice expressions which the biographer of Greene finds it in his heart to apply to what he calls that 'vainest of the mortal race,' the critics and reviewers, and to those officious sticklers for veracity in history, and meaning in language, who have taken the trouble to read his work, and to remark upon its character. These are all enemies, sworn enemies, and seek for nothing but to indulge their malicious propensities.

Now, if it were our business to inquire, we should like to be informed, how one luckless author has contrived to stir up such a host of enemies. The case is an extraordinary one. In our state of society, personal enmity against those of whom we have no personal knowledge, is by no means a common thing. When a man publishes a book, he makes a demand on the public; he calls on the people to purchase, read, and judge. It is hard, indeed, if readers cannot have the liberty, after this tax upon

them, to exercise their understanding, and express their opinions freely, and this without the imputation of enmity to the author, or subjecting themselves to be branded with illnatured epithets. The world will soon be weary of buying and reading at this rate. It must be remembered, that the reader, as well as the writer, is disposed to have his own opinion and maintain it; and when an author, whether from a too great sensitiveness, or a jealousy natural to his temper, chooses to take offence at such a liberty, use harsh and taunting language, and persist in affirming that to be right and true, which all other men declare to be erroneous, it cannot be supposed, that he will gain many new friends, or strengthen the attachment of old ones, by such a proceeding.

That our readers may go along with us the more easily, in the remarks about to be made, we shall first briefly state the case before us. When Judge Johnson published his 'Life of Greene,' it was reviewed, as our evil stars would have it, in this Journal.* Not long afterward, certain distant and half audible murmurs indicated to us, that the author was less enraptured with our estimate of his literary claims, than our good nature might incline us to wish, and that he was nowise backward in expressing his distrust of our critical sagacity, and even of our motives. Possessing, as we do, the tender feelings of reviewers, this intelligence could not of course but give us a momentary uneasiness. But what could be done, except to let it pass, like the complaints of other authors, who suffer themselves to be disappointed and angry, when the world will not discover their merits, and when reviewers are so cold blooded, as to praise only what is good, and to expose faults? Soon after this review, a pamphlet came before the world, purporting to be a vindication of Count Pulaski, from a censure made by the author of the 'Life of Greene,' against the military character of that celebrated Polish chief. That pamphlet we also read, and was struck with the honest zeal, and force of argument, with which a veteran friend of Pulaski defended his military fame, and rebutted the offensive charge.

Another review grew out of this pamphlet, in which we took occasion to introduce a few particulars concerning the romantic life and character of Pulaski, and to add such strictures as occurred to us, on that part of the 'Life of Greene,' which related

* North American Review, Vol. XV. p. 416, for October, 1823.

to this subject.* Judge Johnson could restrain himself no longer. As for the 'Vindication of Pulaski,' he had only 'cast his eye over the title page, and thrown it by, well satisfied that any production with such a title must be beneath his notice.' But when the review came out, he relented. He then felt 'compelled, however reluctant, to come once more before the public;' and, as he has written elaborate 'Remarks' on the pamphlet and review, there is just ground for presuming, that he conquered his antipathy so far as to read them both. We can hardly commend his wisdom in this course, feeling assured that his first argument of silent contempt would have been more successful. But it is not for us to teach an opponent the use of his best weapons. The title of the Remarks here mentioned, is that placed first at the head of this article. Then followed a 'Reply' to these Remarks, by Colonel Bentalou, the author of the 'Vindication of Pulaski,' written in a temperate and dignified tone, in which he reiterates what he had before stated, and confirms it by additional proofs. To these two pamphlets, particularly the former, our observations will be chiefly confined.

A paragraph in the exordium of Judge Johnson's performance, we beg leave to quote at large.

'That I should be assailed by the North American Review,' says he, 'excites no surprise with me. It is what I foretold to my friends explicitly and confidently long before it occurred. For I had reason to think, that there were individuals connected with that Review, whose eternal enmity I had incurred, from causes, which I *have no reason to blush at*. Still I entertained a hope, that there would have been found character enough in the conductors of that work, to repel any attempt to make it the instrument of private or party views. My experience satisfies me, that they only require some specious disguise, some mere pretext, for rather lending themselves *voluntarily* than otherwise to such attempts.' p. 5.

Now what can be the author's point in this paragraph, we are utterly at a loss to divine. There is no doubt deep meaning in it, particularly in the italics, which are his own, but it is quite too deep for us to fathom. We trust, that no Judge of the Supreme Court of the United States has 'reason to blush' for his conduct on any occasion, and much less on so unimportant a one, as that of having an imaginary difference with the 'individuals

* See North American Review, Vol. XX. p. 375, for April, 1825.

connected with a Review.' Why should he blush? Ah, indeed, why should he, unless at being found in such company, among 'the vainest of the mortal race?' We are sorry, moreover, to hear him talk so much about 'enemies,' 'personal enmity,' 'eternal enmity.' From the language and tone of this pamphlet, one would be almost tempted to think, that he had not a friend upon earth. We do not believe his case is half so bad, as his apprehensions, or his warmth of feeling, would make it; and we can assure him, that when he foretold so 'explicitly and confidently' the assault of the North American Review, he had none but friends among those connected with that work. And further to remove his erroneous impressions, we assure him, that in the matter about Pulaski, which disturbed him so much, no two persons ever exchanged words with direct reference to that article, till it appeared from the press; and we should be willing to pledge ourselves, for the application of the spirit of this remark in every other case, in which the author has been noticed in our work. If this is making him of less consequence in the eyes of the North American Reviewers, than he had supposed, we cannot help it; we state the simple fact. And justice to some individual, or individuals, to whom he pointedly alludes in the above paragraph, although unknown to us, renders such an explicit declaration necessary.

The following paragraph is too remarkable to be passed over, whether considered in its meaning, the beauty of its figures, the delicacy of its sentiments, or the peculiar felicity of its phraseology and style.

'It cannot be denied,' observes Judge Johnson, 'that there is something of a military air in the late combined operations against myself; in the simultaneous attack from the right at Richmond, under the signature of Hamilton; from the centre at Baltimore, through this pamphlet [Mr Bentalou's 'Reply']; and from the left at Boston, under the banner of the Reviewer. One might be pardoned for suspecting that war on so extended a scale indicated talents, which had filled the highest military and civil stations, were it not for one obvious characteristic equally manifesting itself in every movement. They are the attack of the brigand or assassin; they belong not to open warfare. They are the movements of the aspirant for a scalp or a purse, and not the noble darings of that towering genius, that would have given the finale to our revolution, with which most revolutions have concluded, to wit, military despotism and consequent usurpation; justice ad-

ministered at the point of the bayonet, under the surveillance of avarice, and the guidance of the speculator on public distress and private misery.' pp. 8, 9.

We have quoted the whole paragraph, as a specimen of the author's mode of thinking and writing, when he gets upon a favorite topic. The first sentence is the only part that requires our notice. In all the rest he at least forgets, or disregards, one of the maxims of his own profession, that words should be used not merely as words, but to denote ideas and things; *in verbis non verba, sed res et ratio quærenda est.* But letting this pass, has there ever so extravagant a notion entered the brain of a mortal, since the hallucinations of the knight of La Mancha, as that in which the author has a vision of the 'combined operations' of half the continent in array against him? In one respect there is a difference in the two cases. Don Quixote looked forward to adventures, and trusted to the potency of his own arm for raising antagonists, worthy of his dignity and prowess; while our modern knight sees the phalanxes of his foes already marshalled in battle array, and gathering from distant regions to encounter his might, from the 'left, the centre, and the right,' with 'signatures, pamplets, and the banner of a reviewer.' With as much truth as eloquence, did good old Robert Burton write, to prove the whole world insane; the only difference exists in the different modes of showing madness; it is our author's foible to think himself the great object of notice, nay, of the 'combined operations,' and 'simultaneous attack' of the centre and wings of the nation.

But there is another symptom of the author's singular obliquity of mind, not less extraordinary than this. He tries to persuade himself, that all the forces, in what he calls the centre and the left, have been drawn from a single point. In other words, he insinuates, that Colonel Bentalou's first pamphlet in defence of Pulaski, our review of that pamphlet, and an article in the United States Magazine, which seems to annoy him a good deal, were all written by the same hand! Listen to his remarks on this head.

'The perusal of a very few pages of these publications was sufficient to satisfy me, beyond a doubt, of the quarter, from which the attack proceeded. It is impossible for any reader to be so blind, as not to perceive the common origin of this pamphlet, and of the review of the Life of Greene, published in the United States Magazine, for January, 1823; not less impossible

than for any one to be so dull, as not to discover the intimate fellowship between the author of this pamphlet and its reviewer. There are passages dispersed through the work, with a view to give it a semblance of genuineness, but the veil is so flimsy as only to excite a smile at the folly, that could suppose itself cunning enough to conceal the fraud.' p. 6.

In another place, alluding to our review, he says, 'the name of a venerable old man, known to have been the companion and freind of Pulaski, is made use of to give an air of authenticity to the pamphlet, and a sanction to the gross imputations, which it casts upon the author of the Life of Greene.' Again, we are charged with 'crouching behind a mere man of straw,' and 'cloaking ourselves with the fair character of the honest old Pole,' (who, by the way, is no Pole at all, but a French officer, that early espoused the American cause,) and, lastly, with 'attempting to pass an honest man off as the writer of that pamphlet.' What will the Judge say, now that Colonel Bentalou has come out with his Reply, and declared himself the author? He has told us beforehand what he would say, and in the following words. 'Nor, if Mr Bentalou has really given the sanction of his name to it, would I be led to change my opinion on this point by anything, that could come from Mr Bentalou.' Even the 'venerable and honest man,' one of the earliest defenders of American liberty, an eyewitness of nearly all he relates, esteemed by all who have known him, enjoying the entire confidence of the government to the present day, and under whose fair name we are accused of cloaking our sins of authorship, even this man is no longer to be believed, when his positive statements are not in accordance with the conjectures of Judge Johnson. When he arrives at this point, his honesty is at an end. Whether our author's sagacity, in discovering that a single hand wrote all the pieces to which he alludes, or his consistency in speaking of Colonel Bentalou, be the more to be wondered at, we shall submit to the decision of others.

Judge Johnson has scrutinized at some length our account of Pulaski in Poland, but as he has added nothing, which had not already come under our observation while examining the subject, we shall not follow him through this part of his pamphlet. We stop only to notice one or two discrepances, into which he has fallen, by attempting to depart from our representation. We have always supposed Pulaski in Poland to have fought for liberty, against usurpation and tyranny. Such is the voice of

history, as it has come to our ears. But Judge Johnson sustains the singular paradox, of first denying the fact and then proving it to be true. He begins by affirming, that Pulaski was one of a 'band of intolerant persecutors;' that 'to represent such men as combating for liberty, is a farce; nor less so to laud the *republican* virtues of an individual, whose life was devoted to the maintenance of a despotism, which chose to assume the title of the Polish Republic.' But hear what he says three pages onwards, in quoting from Castera, his favorite author. 'The confederates had elected for a general a noble Polonese, named Pulaski, an intrepid man, and *so violent for liberty*, that he did not hesitate to promote even by crimes, the *most honorable of causes*.' Here, then, we have the astonishing phenomenon of an 'intolerant persecutor,' without 'republican virtues,' 'devoted to the maintenance of despotism,' and yet 'violent for liberty,' and in 'promoting the most honorable of causes!' What does our author mean? Both of these descriptions cannot be true. To which horn of the dilemma does he attach himself? Which of these contradictory statements does he really believe? On the principles of the common law, we have a right to presume the latter; *judicia posteriora sunt in lege fortiora;* and thus he is on our side in spite of himself, and the dispute on this point is at an end.

We delight not to show off such faults in a grave writer of history, but we must do our duty and proceed. One fact mentioned by us, as evincing the improbability that Pulaski was guilty of the gross neglect of duty in the battle of Germantown, ascribed to him by Judge Johnson, was, that he received his appointment to the command of the cavalry by the recommendation of Washington, who never afterwards expressed any public disapprobation of his conduct. Of this fact our author expresses a decided and formal disbelief.

'I find nothing,' he remarks, 'in the official correspondence of Washington on the subject. Nor do I believe, that it was on his recommendation, that congress first created Pulaski a general of cavalry. Washington never could have recommended a measure so unjust and disgusting to his own cavalry officers.' p. 36.

Thus far Judge Johnson. Now let us turn to the second volume of Washington's Official Letters, p. 157. What do we find there? Washington writes to the president of Congress,

'Having endeavored, at the solicitation of the Count de Pulaski, to think of some mode for employing him in our service

there is none occurs to me, liable to so few inconveniences and exceptions, as the giving him the command of the horse. This department is still without a head, as I have not, in the present deficiency of brigadiers with the army, thought it advisable to take one from the foot for that command.' 'This gentleman, we are told, has been like us, engaged in defending the liberty and independence of his country, and has sacrificed his fortune to his zeal for those objects. He derives from hence a title to our respect, that ought to operate in his favor, as far as the good of the service will permit.'

Such was the recommendation of General Washington; and the consequence of it may be seen, in the Journals of Congress, for September 15th, 1777, as follows. 'Resolved, that *a commander of the horse* be appointed, with the rank of a brigadier; the ballots being taken, Count Pulaski was elected.' These extracts, compared with Judge Johnson's statements, require no comment.

We cannot help observing, nevertheless, how peculiarly ill timed are some of this writer's charges against others, when considered as standing in the same pamphlet, and almost on the same page, that contains the gross blunders here exposed. He makes it a light matter to talk of the 'deplorable ignorance,' 'absolute effrontery,' and 'false statements' of his opponents, and to refer them without ceremony to their 'hornbooks.' He kindles into a flame in a moment, upon the slightest insinuation, that he may have been in a mistake, or ventured a doubtful conjecture. To distrust his knowledge, or his judgment, is to forfeit all claims, not merely to his courtesy, but to his charity. Yet we here find him ignorant of the very elements of the history of the Revolution, which he has written two quarto volumes to illustrate, and in which he professes to have made many discoveries, and corrected many errors. A writer of revolutionary history not acquainted with Washington's official letters! As well might we talk of a scholar not acquainted with his alphabet. Let the author of the Life of Greene make a few more such exposures, and it will require no Œdipus to solve the mystery of his great work having been so coldly received by the public.

But it is time for us to recur to the main point of the controversy, originating in Judge Johnson's account of the battle of Germantown. He ascribes the defeat on that occasion, mainly to the fault of Count Pulaski, in being guilty of a culpable neglect

of duty. As this was the first hint that any historian had given of such a charge, it was natural that Colonel Bentalou, who was an officer in Pulaski's legion, was at his side when he received his mortal wound at the siege of Savannah, and with him when he breathed his last, should be eager to defend the hitherto unsullied military reputation of his friend and commander, and should appeal to the public in his behalf. Hence has grown up the controversy, in which we have found ourselves unwarily involved. In its various historical relations, the subject has some importance, and on this ground our readers will pardon us for entering into it a little in detail.

Our author expresses great disapprobation of all previous accounts of the battle of Germantown, and, after a lapse of almost fifty years, imagines he has discovered the true key for unlocking every difficulty. It had eluded the search of former historians, and its hiding place was unknown even to the general officers, who were themselves leaders in the battle. Well may he exult in such a discovery at the present day, and cry out, like the enraptured philosopher of Syracuse, *eureka*, *eureka*. 'All the writers on the American war,' says he, 'seem to have vied with each other in working up this battle to a scene of the most abject confusion.' Observe, reader, '*abject* confusion.' How is light to be brought out of this darkness, and the events of the battle to be set in due order, and its fatal issue accounted for? Why, in the simplest way possible. The author's key will put all things right in the twinkling of an eye. You have only to take his word for it, that, during a forced march of the American army of sixteen miles, in the night, Count Pulaski, with a party of patrols, found leisure to go into a farmhouse, and betake himself quietly to sleep; and that, while he was in this unmilitary attitude, the enemy's patrols came upon him, who, civilly declining to disturb his slumbers, scampered away to the British army with the intelligence of the approach of the Americans. Hence the enemy was prepared for the onset, and hence the disasters of the day. Such is the magic of the author's key, and such the substance of what he very justly calls his 'new views' of the battle of Germantown.

Let it not be said, that we treat this grave matter of a battle and a defeat, with too much levity. Pulaski, that miracle of valor and military enterprise, in Europe and America, reposing in the arms of Morpheus, in the midst of the heat, and haste, and excitement of a forced march to battle! The fate of the

day depending on this incident! *Risum teneatis?* Saving the anecdote of Major Burnet's cue, and General Greene's curls, related by the author in his description of the battle, we do verily believe there is nothing recorded in sober history more nearly approaching the marvellous, than this vision of Pulaski's marching slumbers, and their consequences. But let us attend to Judge Johnson's own language on the subject.

'The Americans are not a little at a loss to account for some events, merely because they write under the erroneous impression, that the surprise was complete. Yet the British assert, and on this point their assertion is not to be controverted, that their patrols had given them an hour's notice of the approaching attack. It is not to be wondered at, that the Americans doubt this upon the supposition, that the British patrol could not have approached the American army, without being discovered by their own. But it is a melancholy fact, of which few were informed, that the celebrated Pulaski, who commanded the patrol, was found by General Washington himself asleep in a farmhouse. Policy only, and regard to the rank and misfortunes of the offender, could have induced the general to suppress the fact. Yet to this circumstance, most probably, we are to attribute the success of the enemy's patrol, in approaching near enough to discover the advance of the American column.' *Life of Greene*, vol. i. p. 83.

Again, in his 'Remarks,' speaking of the loss of the battle, on the part of the Americans, the author says, 'the leading cause, according to my views of the affair, and that in which all others had their origin, was the notice communicated to the British, by their patrols, of the advance of the American army.' Laying down this axiom as a basis, he builds upon it his new theory of the battle of Germantown, tracing all the misfortunes of that luckless day to the untimely slumbers of Pulaski. Now to us this seems not only a gratuitous labor, but without foundation in fact or probability. Who has ever complained, that there was any such mighty difficulty in understanding the details of that battle? Or who has called for any new theory to make the matter more plain, or the causes more evident, than they appear in Washington's own official letter, written the day after the rencounter? The statement there made, harmonizes perfectly with the descriptions of other general officers, and individuals, who were in the engagement; and why come forward at this day with 'new views,' apochryphal testimonies, and conjectural emendations? The dispirited condition of the troops, who

had been for several weeks under incessant and hard service; their fatigue after a long march in the night; the extreme fogginess of the morning, which prevented the plan of attack from being carried into methodical execution; the delay of a division of the army at Chew's house; and the failure of ammunition in the heat of the battle; these have been represented by other historians, as the remote and proximate causes of the retreat of the American forces, at the moment when victory was declaring itself in their favor; and these causes are so obvious, and so adequate to the effects, and have been so unanimously received as such, that we are justified in repeating it to be a gratuitous and unnecessary service, for any one to attempt to set them aside, or weaken their influence by new discoveries and an imaginary theory.

Before proceeding further to remark on the paragraph quoted above, we shall gratify our readers by inserting here a letter from Colonel Timothy Pickering, a name too well known in this country, during the last half century, to need any encomiums from us. He was present at the battle of Germantown, by the side of Washington, and, from his station, had as good an opportunity of knowing the events of the day, as any other person. This letter is of great value as a historical document, and peculiarly interesting as a narrative of what took place, near the commander in chief, at the critical time of the action.

Salem, August 23d, 1826.

Sir,

'Nearly fortynine years have elapsed since the battle of Germantown; of course you may well suppose, that many facts respecting it are beyond my power of recollection; while a few are indelibly impressed on my memory. Without repeating all your questions, I answer them by the following statement.

'1. I did not know at the time, nor do I recollect ever to have heard, that Pulaski was found asleep, until it was mentioned by Judge Johnson, in his "Life of General Greene." Nor do I remember to have heard him censured for any neglect of duty, in the case referred to, the battle of Germantown. It was on the 15th of September, 1777, as appears by the Journals of Congress, that Count Pulaski was appointed commander of the horse, with the rank of brigadier general. He must have brought with him from Poland the reputation of a *good officer*, of which *vigilance*, when on duty, is an essential characteristic; or, a perfect

stranger as he was, he would not have received that honorable appointment. The distance the army had to march, from its encampment on the Skippack road to Germantown, is estimated to be about sixteen miles; and, therefore, (although I do not recollect it) a very temporary halt might have taken place; but certainly not long enough for an officer, or private, to have retired to indulge in sleep in a farmhouse.

'2. General Washington, in his letter to Congress of October the 5th, the day after the battle, says, "that the army marched about seven o'clock in the evening of the third; and that General Sullivan's advanced party attacked the enemy's picket at Mount Airy, or Mr Allen's house, about sunrise the next morning, which presently gave way; and his main body, consisting of the right wing, following soon, engaged the light infantry and other troops encamped near the picket, which they forced from their ground. Leaving their baggage, they retreated a considerable distance, having previously thrown a party into Mr Chew's house." * The term here applied to these advanced corps of the enemy, that they were "*forced* from their ground," shows that they were *in arms*, and *resisted* the assailants; and the previous brush with the picket, a guard always posted in advance on purpose to give notice of an enemy's approach, roused "the light infantry and other troops," who had time enough to take their arms and form for action. They retreated, of necessity, before the greatly superior force of the whole right wing of our army. But the "leaving of their baggage" authorizes the inference, that they had no knowledge of the march of the American army, until the firing in the engagement with the picket guard gave the alarm. If then these advanced corps of the enemy were not, in the strict sense of the word *surprised*, that is, "caught napping," unprepared for action, much less could the main body, posted in the centre of Germantown, two miles farther off, have been *surprised*. This distance gave them ample time to prepare for action, in any manner which the attack of their enemy should require.

'3. You ask, "at what distance from Chew's house the attack commenced?" At that time I was a stranger in that part of the country. From my subsequent acquaintance with it, during my residence in Pennsylvania, I should estimate the distance of Mount Airy from Philadelphia to be eight miles, Chew's

* Washington's Official Letters, Vol. II. p. 177.

house seven miles, and the centre of Germantown six miles. And these I think are the distances, as I have occasionally heard them mentioned.

'4. You ask, "how long a pause was made at Chew's house; and what space of time probably intervened between the beginning of the action, and the general engagement at the head of the village?" The pause at Chew's house, in the manner I shall presently mention, probably delayed the advance of the *rear division* of our army into action for half an hour. And taking the attack of the picket at Mount Airy, as the beginning of the action, it was probably near half an hour before it became general *as to the whole of Sullivan's column;* and *this* general engagement must have commenced *after he had passed Chew's house;* for I saw not one dead man until I had passed it, and then but one, lying in the road near where I fell in with General Sullivan. I presume that, following close on the heels of the British battalion of light infantry and the fortieth regiment, which were retiring before him, Sullivan, with his column, had passed Chew's house, without annoyance from it. For it must have taken some time for Colonel Musgrave, who entered it with six companies of the fortieth regiment, to barricade and secure the doors, and the windows of the lower story, before he would be ready to fire from the chamber windows; and it was from them that the firing I saw proceeded.

'In the march of the army, General Washington, following Sullivan's column, kept in the road leading to and through Germantown to Philadelphia. When we had entered the northern part of the village, we heard, in advance of us (I was riding by the General's side), a very heavy fire of musketry. General Sullivan's divisions, it was evident, were warmly engaged with the enemy; but neither was in sight. This fire, brisk and heavy, continuing, General Washington said to me; "I am afraid General Sullivan is throwing away his ammunition; ride forward and tell him to preserve it." I do not know what was the precise idea, which at that moment struck the mind of the General. I can only conjecture, that he was apprehensive that Sullivan, after meeting the enemy in his front, kept up his brisk and incessant fire, when the haziness of the air, and its increased obscurity, from the burning of so much powder, prevented his troops having such a distinct view of the enemy, as would render their fire efficient. Be this as it may, the instant I received the General's orders, I rode forward; and in the road, three or four hundred

yards *beyond* Chew's house, met Sullivan, and delivered to him the General's orders.

'At this time I had never heard of Chew's house; and had no idea that an enemy was in my rear. The first notice I received of it was from the whizzing of musket balls, across the road, before, behind, and above me, as I was returning, after delivering the orders to Sullivan. Instantly turning my eye to the right, I saw the blaze of the muskets, whose shot were still aimed at me, from the windows of a large stone house, standing back about a hundred yards from the road. This was Chew's house. Passing on, I came to some of our artillery, who were firing very *obliquely* on the front of the house. I remarked to them, that in that position their fire would be unavailing, and that the only chance of their shot making any impression on the house, would be by moving down and firing *directly* on its front.* Then immediately passing on, I rejoined General Washington, who, with General Knox and other officers, was in front of a stone house (nearly all the houses in Germantown were of stone), next northward of the open field in which Chew's house stood. I found they were discussing, in Washington's presence, this question; Whether the whole of our troops then behind should immediately advance, regardless of the enemy in Chew's house, or first summon them to surrender? General Knox strenuously urged the sending of a summons. Among other things, he said, "it would be unmilitary to leave a castle in our rear." I answered, "Doubtless that is a correct general maxim; but it does not apply in this case. We know the extent of this castle (Chew's house); and to guard against the danger from the enemy's sallying, and falling on the rear of our troops, a small regiment may be posted here to watch them; and if they sally, such a regiment *will take care of them.* But," I added, "to summon them to surrender will be useless. We are now in the midst of the battle; and its issue is unknown. In this state of uncertainty, and so well secured as the enemy find themselves, they will not regard a summons; *they will fire at your flag.*"† However, a flag was sent with a summons.

* 'The heaviest artillery then with the army, were, I think, only brass six pounders.'

† 'This is the statement I had occasion to make eighteen years ago, in a letter to Governor Sullivan. I marked it with inverted commas, because I perfectly remembered the ideas I expressed, as the words used import; and I am also sure, that there is no material change in

Lieutenant Smith of Virginia, my assistant in the office of adjutant general, volunteered his service to carry it. As he was advancing, a shot from the house gave him a wound of which he died.*

'Whatever delay, in the advance of the division in our rear, was occasioned by the pause at Chew's house, I am satisfied that Sullivan's column did not halt there at all, as mentioned by Judge Johnson. The column was certainly not in sight, when the General sent me with the orders already noticed; and it is alike certain, that it was then beyond Chew's house. Nor were the enemy forming under cover of the house, or I must have seen them. *When* the orders were sent to our troops in the rear to advance, I do not know; but it must have been subsequent to the sending of the flag; and, I should think, twenty minutes, at least, after it was found that an enemy was in the house. The General did not pass it at all. I had remained near him until our troops were retreating; when I rode off to the right, to endeavor to stop and rally those I met retiring, in companies and squads; but it was impracticable; their ammunition, I suppose, had generally been expended.

'5. In the aforementioned letter from General Washington to Congress, he says, "the attack from our left column, under General Greene, began about three quarters of an hour after that from the right." You ask the cause of this. The answer is obvious. The right column, under General Sullivan, which Washington accompanied, marched on the direct road to Germantown. Greene, with his column, was obliged to make a circuit to the left, to gain the road which led to his point of attack. The columns being thus entirely separated, and at a distance from each other, no calculations of their commanders could have

the language, as uttered by me at the instant. In writing it, I endeavored to recollect the very words I had used.'

* 'General Henry Lee, in his "Memoirs of the War in the Southern States," mentions the zeal with which Lieutenant Colonel Hamilton (Alexander Hamilton, then one of Washington's *aids de camp*, and since so well known for the display of his eminent talents, in the service of his country) urged the propriety of passing Chew's house. This must have been while I was absent, carrying the General's orders to Sullivan. I perfectly remember, that when poor Smith was brought off wounded, Major Gibbs, who was in the General's family, said to me, "While you were absent, I offered to carry the flag; I bless my stars that it was not accepted."'

insured their arriving at the same time at their respective points of attack.

'Judge Johnson, in his "Life of Greene," has represented as "almost ludicrous" the "scene" exhibited by some writers, of the discussion near Chew's house, in the presence of General Washington, in which it is hinted that opinions were "obtruded;" and that even field officers may have expressed *their* opinions; "but," he adds, "General Washington was listening to the counsels of his own mind and of his general officers." I know, however, that he did listen to the discussion; and Lee, commanding a troop of horse, on that day on duty near the General's person, accounts for his determination to send the summons. "Knox," he says, "being always high in the General's confidence, his opinion prevailed." Further I must remark, that the general officers, whom the Judge supposes to have been present, and advising the commander in chief, were then in their proper places, with their divisions and brigades. Knox alone, of the general officers, was present. Commanding in the artillery department, and the field pieces being distributed among the brigades of the army, he was always at liberty, in time of action, to attend the commander in chief. Some two or three years since, I wrote to Judge Johnson, informing him of his mistakes in the matter noticed in this paragraph. Others of his details of this battle, which are inconsistent with the statements I have here given to you, must be incorrect. The truth is, that General Washington, not sanguine in his own opinions, and his diffidence being probably increased by a feeling sense of his high responsibility, as Commander in Chief, was ever disposed, when occasions occurred, to consult those officers who were near him, in whose discernment and fidelity he placed a confidence; and certainly his decisions were often influenced by their opinions. This is within my own knowledge.

I am, &c.

T. Pickering.'

In this letter we are presented with a lucid exposition of the difficulties of the battle, which Judge Johnson has conceived to be so inexplicable, in all former narratives, and which he has rendered still more perplexing, by his attempt to explain them. His 'new views' happen to be all wrong, and wholly unnecessary to make out a consistent account of the principal incidents of the engagement. Two or three of his new positions shall now be examined.

1. Respecting the slumbers of Pulaski, which the Judge considers the prime cause of all the disasters of the day. In a case like this, it is difficult to prove a negative. No man living, it may be, can say that Pulaski did not sleep, while on the march from Skippack creek to Mount Airy, because there may be no man living, who was constantly in his presence. All probability is certainly against it, even leaving the character of Pulaski out of the question. The conviction must be strong on the mind of every one, as it is on that of Colonel Pickering, that no officer, or private, could have found an opportunity to sleep. If there was any halt at all, it must have been very short, for Colonel Pickering does not recollect any; and considering the distance marched and the time employed, it would hardly seem possible, that the army could have stopped on the way. To make his theory hang together, Judge Johnson assures us, that 'Pulaski must have retired early,' thereby affording time for the British patrols to give due notice of the movement of the American forces. This is involving the matter in a still greater absurdity, for it is supposing the army to have halted near the beginning of its march, and rested there, while Pulaski was calmly reposing in a farmhouse; whereas, if there was a halt at any time, it must have been after the men had become somewhat fatigued, and not long before the commencement of the action.

Moreover, how does it happen, that no more than one officer near General Washington's person, should have known the fact, and heard the General's reprimand? Where were Knox, and Pickering, and Hamilton, and Lee, whose duty on that day brought them in contact with the Commander in Chief? Is it possible, that so gross a neglect on the part of an officer, a neglect in which originated the entire failure of the enterprise, should have been kept a secret from them? Is it possible, that such a piece of intelligence should not have rung through the whole army in twelve hours' time, and have flown on the wings of the wind to every corner of the continent? Is it possible, that the officer, who, by sleeping on his post, was the means of losing the battle of Germantown, should have been continued in his place, and entrusted till the day of his death with an important command? Is it possible, that such a secret should have remained hidden from the whole world, till fortyfive years after the event, eluding the prying eye of the historians and military critics of this battle? Is it possible, that Washington could have overlooked such a neglect of duty, and neither have mentioned

it in his public report, nor whispered it to any person, although his own reputation, and that of the army, were so intimately connected with it? Are these things possible? We say they are not. The conviction on our mind is irresistible, without any other testimony than the simple statement of the case. Nor do we believe, that any man, who fairly examines the subject in this light, will come to a different conclusion. And when, in addition to this, we consider, that the great military fame of Pulaski was chiefly founded on the qualities here denied to him, vigilance and promptitude, that in the perilous scenes in Poland, where for many years he acted a bold and leading part, he never was surprised by his enemies, nor taken prisoner; when we remember, that all Europe had resounded with the report of his valor, his achievements, and his extraordinary military talents; we shall then have other arguments in his favor, that will weigh heavily with most minds.

As a balance against the weight of these circumstances, Judge Johnson cites the single authority of General Pinckney, who was aid to the Commander in Chief. We have full confidence in the veracity, and respect for the high character, of that tried patriot and statesman. But on the present occasion we hesitate not to say, that we believe he was mistaken. The testimony of one man, in so remarkable a case, where there were many others as likely to know the fact as himself, and whose duty it was to report it, makes no impression on our judgment, when brought in competition with the multitude of impossibilities, which have just been enumerated. Nor have we ever seen General Pinckney's name to any statement of the kind, nor any explanation by him of the thousand difficulties, which embarrass his evidence. How he would have reconciled them we presume not to conjecture; but as the case now stands, we doubt whether any person can examine the whole ground without being convinced, that General Pinckney's impression was erroneous.

Again, how does Judge Johnson dispose of the difficulty attending the silence of Washington, in a case of such moment, where his duty as Commander in Chief, justice to himself, to his officers, to the nation, imperiously demanded from him public exposure and censure? In a most extraordinary way truly. He says, that 'policy only, and regard to the rank and misfortunes of the offender, could have induced the general to suppress the fact.' We ask if so dark a stain can attach to the character of Washington, as that of screening from punishment and dis-

grace an 'offender,' who had been guilty of such gross neglect as is ascribed to Pulaski? We trust not. In his 'Remarks,' the author enlarges upon this topic, and tells us, that 'Washton was often obliged to temporize,' that it 'could seldom comport with his dignity to be the accuser of an officer,' and that 'to him there would have been no pleasure in the task.' Indeed, *no pleasure in the task!* And is this the reason given by a judge, why the guilty should go unpunished? General Washington sacrificing justice to 'policy,' 'temporizing,' neglecting to notice an offender, because it did not 'comport with his dignity,' and because he had 'no pleasure in the task!' *Ohe, jam satis!*

In a postscript to his pamphlet, the author appeals to a declaration of Lafayette, in the following rather equivocal language. 'If General Pinckney's testimony to support the fact related of Count Pulaski could need corroboration, it can be further proved, that General Lafayette, when lately in Columbia, declared it to be true of his own knowledge.' Now it happens, that when Lafayette was in Baltimore, he was directly asked by Colonel Bentalou, if he ever heard the report of Pulaski's being asleep; to which he instantly replied, 'No, never.' Mr Barney, the present representative in Congress from Baltimore, writes thus to Colonel Bentalou. 'I distinctly recollect, that when you asked General Lafayette if he ever had heard General Washington mention, that Count Pulaski had been found asleep at his post, previously to the battle of Germantown, or that the surprise was prevented by neglect of duty on his part, General Lafayette replied with warmth, "No, never;" and proceeded to speak of Pulaski in the highest terms of praise.' So much for the hearsay report of what Lafayette declared at Columbia. And, again, as to the fact having been '*true of his own knowledge*,' it unluckily turns out, that he was not present at the battle, but was then at Bethlehem, in consequence of the wound he had received in the battle of Brandywine.

But even taking the position to be settled, that Pulaski did sleep on his march, no two things can be more remote from each other, than this cause and the effects ascribed to it by Judge Johnson. Were the British patrols any more likely to see a sleeping, than a waking man? Besides, are we to understand, that all Pulaski's party were asleep as well as himself? In short, look at the thing in what light you will, and the circumstance of Pulaski's having been asleep or not, can have no con-

nexion whatever with the issue of the battle. We deny, moreover, that either he, or any of his men, or any of the American advanced parties, were seen by the British patrols, in time to communicate this intelligence, before the battle commenced. This will appear in what we have to say on the next topic.

2. Judge Johnson accounts for some of the blunders, which he supposes historians to have committed in describing this battle, by considering them to have written 'under the erroneous impression that the surprise was complete.' Now, from the best authority to which any person at the present day can have access, from the unanimous records of history, and from the whole train of events during the battle, we undertake to affirm, that the *surprise was complete;* in other words, that the British army, stationed across the village of Germantown, had no knowledge of the intended attack of the Americans, till the firing was heard when the engagement began at Mount Airy, two miles from the encampment of the main army. Gordon says, that 'the royal army was indeed completely surprised.' * Andrews, a British writer, speaks of the 'suddenness of the attack,' and of the '*first surprise.*' † In a work on the Revolution, ascribed to Captain Hall of the British army, who writes as if he were present in the battle, we have the following remarkable statement.

'Notwithstanding this enterprise was conducted with great secrecy by the enemy, yet we had strong reason to believe, that they were meditating some important design. A prisoner or two, made very early in the morning, who had strayed from their advanced guard, and gave information of the rebel army being in full march towards us, afforded hints that might have been turned to great advantage, and if properly adverted to, possibly ended in the total destruction of the enemy. *And when the firing began from the pickets, and advanced battalion of light infantry, whose camp the enemy not only penetrated but plundered, it even then gained but little credit at head quarters,* where this commotion was supposed to arise, rather from a flying party of the enemy, than a serious attack.' ‡

Here the author takes the surprise for granted, and censures the commander of the royal army for his apathy, in not having anticipated it. Stedman, another British writer, in alluding to

* History of the American Revolution, Vol. II. p. 526.
† Andrews' History of the Late War, Vol. II. pp. 373. 375.
‡ History of the Civil War in America, Vol. I. p. 321. London, 1780.

the affair at Chew's house, says, that, by the delay there, 'time was afforded to the *rest of the British line to get under arms.*' * But why was it not already under arms, if knowledge of the advance of the Americans had been obtained nearly two hours before, as it must have been, according to Judge Johnson's interpretation? A stronger proof, indeed, of the complete surprise of the enemy, could hardly be furnished, than General Washington's own letter, as quoted above by Colonel Pickering. The firing commenced with the enemy's picket, which instantly retreated. This was evidently the first notice of the intended attack, received by the next division of the enemy, posted near the picket; for although they had time to rally to arms, yet so sudden was their retreat, that their baggage was left behind, as stated by General Washington. This circumstance is inexplicable, upon the supposition that the British had a previous knowledge of the contemplated attack; for it was a matter of course, in any event, that these outposts would be driven in, and the baggage would as certainly have been secured in the rear. Not only their baggage was thus neglected, but their tents were left standing. Colonel Bentalou testifies that he saw them as he passed through the camp. We have before us a manuscript copy of a letter, written by General Smallwood to the governor of Maryland, five days after the engagement, in which he says, 'The retreat was prosecuted with little or no other loss, than the field of action, which, to our reproach, was abandoned in the midst of victory, after taking possession of the *enemy's encampment and baggage*, with many pieces of artillery and military stores.' If all these circumstances do not prove a surprise on the part of the enemy, we should despair of proving it by any force of argument, or combination of facts. The time between the beginning of the attack at Mount Airy, and the meeting of the two armies in Germantown, was abundantly sufficient for the British forces to get ready for action, and to proceed as far as they had done towards the head of the village.

The mistake fallen into by Judge Johnson, in regard to the time at which the action began, is not a little extraordinary. He says it was 'about *four o'clock* in the morning.' But Washington writes, in his official report, that the attack on the picket, at Mount Airy, was '*about sunrise*,' being two full hours later than the time specified by our author. At first we were puzzled to

* Histoy of the American War, Vol. I. p. 299.

account for this discrepancy, presuming no American historian would describe the battle of Germantown, without reading Washington's official letter on the subject; and even now we can explain it, only by recurring to the author's new theory. He had laid it down as an axiom, that the British 'had an *hour's* notice,' by their patrols, of the approach of the American army. In Sir William Howe's official report, it is stated that this discovery was made 'at three o'clock in the morning.' To preserve the correctness of the axiom, therefore, it was necessary to fix the beginning of the battle at four o'clock, or one hour later, notwithstanding the plain declaration of Washington to the contrary. Sir William Howe says the action began 'soon after the break of day;' Stedman and Hall both use the same phrase, 'at the dawn of day.' But this is a point upon which Washington could not be mistaken. We have already said enough to show the error of the British commander's statement respecting the patrols. It was not likely he would report a surprise of his army to his own government. On what authority Judge Johnson writes, that 'the *British assert* that their patrols had given them an *hour's* notice of the approaching attack,' we know not. We have found no such assertion in any British author, nor seen any allusion to the patrols, except in Sir William Howe's report, and in the 'Annual Register,' which evidently copies that report.

3. We come at last to the affair of Chew's house. Colonel Pickering's letter gives a much more full, clear, and satisfactory account of this part of the battle, than has ever before appeared; and, at the same time it establishes the opinion derived from all former historians, it contradicts, in almost every essential particular, Judge Johnson's 'new views.' On this branch of the subject, little needs to be added to the letter of Colonel Pickering, except to point out a few more of our author's mistakes. In Lee's Memoirs of the War [vol. i. p. 29.], we are told, that 'the halt at Chew's house was taken *after some deliberation*, as the writer well recollects, being that day in the suite of the Commander in Chief, with a troop of dragoons charged with duty near his person. Many junior officers, at the head of whom were Colonel Pickering and Lieutenant Colonel Hamilton, urged with zeal the propriety of passing the house. Brigadier Knox opposed the measure with earnestness, denouncing the idea of leaving an armed force in the rear.' Judge Johnson says, in his 'Remarks,' that this halt 'was not ordered by Washington,'

that it 'was but momentary,' 'brief and involuntary,' and 'of very brief duration.' Our readers have seen, in Colonel Pickering's letter, that the halt *was* ordered by Washington; and, so far from being momentary, it continued for nearly half an hour, long enough for the British to form and manœuvre as they chose. These facts destroy the entire foundation of the new theory, for it is perfectly obvious, that this delay was the first and principal cause, if not the only one, of the retreat of Sullivan's division, and thereby the rout of the whole army, by so contagious an example. Had the rear divisions of the army, which were stopped during the conference mentioned above, been brought up immediately to the support of Sullivan, there is every probability, that the action would have terminated very differently, although other causes might have led to a defeat. As things actually turned out, however, it is certain, that the parley at Chew's house was the first and chief cause of the discomfiture.

Judge Johnson writes with a singular misapprehension of the train of events, as they occurred at this stage of the action. He says, 'It is true, that on reaching Chew's house, Sullivan's column was halted.' Yet it appears from Colonel Pickering's letter, that this is not true at all. Sullivan was several hundred yards in advance of the house, and actually engaged with the enemy, before it was known that any such obstacle existed. And what is still more remarkable, we do not find, that the author has anywhere mentioned the circumstance of the flag of truce, or the death of the brave and unfortunate Lieutenant Smith. Historical justice will hardly excuse such an omission. These incidents militate, to be sure, against the new theory, because they could not have occurred without something more than a 'brief and involuntary' pause; yet, we suppose, this would hardly be urged as an apology for passing them over.

But we must hasten to a close, having already, as we fear, trespassed unreasonably on the patience of our readers, although several topics have been left untouched. What the author will think of our presumption in questioning his infallibility, or in taking it upon us to point out a few of his mistakes, we cannot say; for he sets himself up very high, quite above the sphere of the common order of writers, shrouding the beams of his countenance in most 'disastrous eclipse,' frowning terror upon daring critics, and insisting that he is not to be looked at through the same puny optics, and judged by the same rules, as the multi-

tudes, who are clambering up the sides of the mountain of fame, on whose summit he has seated himself with much apparent composure. Unfortunately, we have but one set of optics, through which to view the moving panorama of authors, and if he suffers a diminution by the giddy height to which he has lifted himself up, the fault is not ours. We have seen it hinted, it is true, in a certain quarter, that 'the dignity of the Supreme Federal Court' is likely to be jeoparded, by bringing down a judge from his lofty preeminence, and placing him on the stand of critical investigation, in company with the hackney tribe of scribblers, such as reviewers, poets, essayists, novelists, jinglers of rhyme, oration makers, and the like. The thing does not appear to us in the same light. If a learned judge condescends to write a book, and a great book too, we hold it to be his duty, so far to imitate the virtues of Job, as to bear patiently the inflictions of merciless reviewers. What else are books written for, in these days, but to be reviewed? Not surely to be read. If our author really thinks so, we beg he will forthwith consult his publisher, and see how the supply, in the case of his own work, has corresponded with the demand.

The subject is, moreover, to be viewed under another aspect. We should be the last to speak lightly of dignities, though we do not believe in the divine right of kings, of bishops, or of judges. But the dignity we reverence is that of conduct and character. We consider true dignity to consist in a correct deportment, respect for others, and an upright discharge of duty, in whatever station a person may be placed by Providence. This is the whole amount of dignity. Hence it by no means follows, that he is the most dignified man, who sits in the highest place, any more than he who writes the largest book, or makes the longest speech to the empty seats in Congress hall. In short, there is no connexion between true dignity and station. Particular systems of action are adapted to particular stations, and all that dignity demands is, that these systems be properly applied. He, who misapplies these, is undignified. So a judge may be very dignified, when clothed in his robes, with wisdom on his brow, and thought in his features; but let him dress himself in a cap and bells or act the harlequin in the halls of justice, and the dignity of the judge will be no longer seen. The crier of the court may sustain all suitable dignity, while sitting in the crier's box, but place him on the bench, and he will be instantly transformed into another kind of personage. From these hints

we infer, that dignity is not confined to particular professions, nor classes of persons, not even to judges of the Supreme Court, although we are willing to confess, that when this body is convened, we know not a more imposing spectacle. Yet we maintain, that all dignity is not centered there, but much of it is to be found in other parts of the community; and even we, humble reviewers as we are, have the vanity to believe, that we have our share of dignity to uphold. In this respect, presumptuous as it may seem, we assert the right, nay, exercise it too, of putting ourselves on a level with the writer of the 'Life of Greene,' not by going up to the top of the hill where he sits, but by supposing him to have come down, for a short space, into the little valley where we dwell. Or, to speak more *à la militaire*, we meet him on the common ground of authors, a ground on which he has chosen to enter the lists, and where he has no right to look for any other than equals. The dignity of the craft, and not of the 'Supreme Federal Court,' is here to be regarded; and if the author of the 'Life of Greene' thinks that we, as a portion of the brotherhood, have not had this dignity sufficiently before our eyes, in what we have said of his work, we have only to entreat, upon the principles of equal justice, that he will cast back half an eye over the wanderings of his own pen, and then judge whether our dignity as reviewers, or his as a biographer, has met with the severer contusions. There is a maxim in the books, *lex æquitate gaudet.* It may here be reduced to practice.

We thought to subjoin a few observations on the general merits of the 'Life of Greene' as a work of history, but perhaps an opinion sufficiently accurate can be formed, on this point, from what has already been said. One remarkable fault, however, and one which, in our view, renders the book of almost no value, as a work of reference, we shall here mention a second time; we mean the total absence of authorities. The new description of the battle of Germantown, which we have seen to be so full of errors, is given without reference to a single authority in the work itself. There can be no greater defect than this in a history, in which many new facts are professedly brought out, and new opinions advanced. The chief value of a written history is in its truth, and next, in the evidences of its truth. We had before stated this objection strongly, and the author's reply is not less remarkable for its brevity, than its courteousness. He affirms, that the objection 'is not worthy of

the most common understanding,' and that he had done enough to state generally in his Introduction the origin of his materials. In this we differ from him *toto cœlo*. But the strongest thing of all is yet to come. Says this accommodating historian, who carries himself so *suaviter in modo* and *fortiter in re*, 'any one, who had approached me in the attitude of a gentleman, might have satisfied his curiosity, or more laudable feelings, by a *private inquiry*.' What an immense facility is here offered to the student! All historical authority is hereafter to be settled, and all doubts cleared up, by a private correspondence with the author, whether he live ten or ten thousand miles off, in the present or a past age. No more notes of reference are wanted, no more consulting of books; the author himself is to be the centre of a correspondence with all the world, a living commentator, never to die, never to be weary of his great and varied vocation. No future Brodies or Lingards shall sharpen their pens, to assail the historical veracity of our author; a *private inquiry*, provided it be made 'in the attitude of a gentleman,' shall open the portals of knowledge, remove suspicion, and silence skepticism.

ART. XI.—*A Sketch of the Internal Condition of the United States of America, and of their Political Relations with Europe.* By A RUSSIAN. Translated from the French, By AN AMERICAN. *With notes.* Baltimore. 1826. 8vo. pp. 163.

A FOREIGNER'S account of our institutions and manners always finds eager readers in America. We entertain this curiosity in common no doubt with all other people; but in us it has been heightened by some accidents in our situation, into a sort of impatient anxiety. Our portrait has been drawn by those, for the most part, whom some very intelligible feelings have prevented from regarding us with much good nature, while, at the same time, certain affinities existing between us, have encouraged a hope of better treatment at their hands. What has magnified the provocation is the respect we entertain for them at heart, and the means they possess, through the diffusion of their language

and literature, of giving currency to the error. It is John Bull, in short, that has most sorely moved the spirit of Brother Jonathan.

That sturdy personage is no favorite, indeed, nearer home, nor is the dislike of him, among his continental neighbors, to be dated only from the era of Lord Castlereagh. Long before that time he had acquired the unlucky fame of over pertinacious nationality; would quarrel with the skies of Italy for being too bright, and with his neighbors of France for being too gay; and, with that insular prejudice, which the most philosophical of his own historians has remarked in him, was always mightily inclined to think that there was little worth having out of England. Now we cannot allow the wealth of our kinsman to be any apology for his ill manners; and it is with a kind of amazement, that we see him wandering over the world, and every where piquing himself on sullying his national reputation with his individual peculiarities, and, above all, by a sulkiness, which, making every allowance for the vapory sky he was born under, is quite incomprehensible.

But if our elder brother regards with scorn all deviations from his own standard of notions, even in those who speak a different tongue, and live under different laws from his own, he suffers a sort of angry surprise, when he sets foot on these shores of his own planting. Here every thing is at once *aliud et idem*, the same, yet not exactly the same, with what he has been accustomed to see at home. Where language, dress, manners, and modes of all sorts, are wholly different, comparison is less easy, or their respective merits must be adjusted by that general 'fitness of things,' which always leaves much to be said on both sides. But here, where he sees a prevailing similarity to his own institutions, and where the general imitation on our part seems an implied acknowledgment of superiority on his, the particular differences, arising out of physical and moral circumstances, are apt to strike him rather as awkward resemblances, than as intended deviations. He is less lenient towards them for much the same reason, that he ridicules more unsparingly a Scotchman's or an Irishman's blunders, in English, than those of a Spaniard or an Italian. It is pretty obvious, in short, without recurring to more serious causes of difference, why we should meet less grace at the hands of England, than of countries, which, having fewer affinities with ourselves, might seem at first, less likely to appreciate us fairly.

In justice, however, it must be owned, that a part of all this

must be set down to ignorance. There is, for instance, a strange incapacity of learning American geography in John Bull; an appellation, by the way, which we bestow on him so often, not in the spirit of reproach, but because, for some reason or other, he seems to take a pride in it. We do not refer now to any particular mistake, as when his reviewers enumerate Philadelphia among the States, or his poets make the aloe indigenous in Pennsylvania,—but to the general inability which he seems to labor under, of distinguishing one part of our country from another, and of conceiving that they may have different shades of culture, manners, and civilization. To him it is all as a single point, a wilderness without limits or distinction. He thinks, we believe, that the buffalo runs wild in Boston, and a murder on our remote frontier is enough to give him an ill opinion of the police of New York. An American could not blunder more, were he to fancy that half naked Highlanders walk about brandishing their claymores in Regent Street. He seems quite to forget, that when our progenitors left his shores, they left it with the same refinements that he himself had, or, to use the language of our author, that 'though our country is new, yet its civilization is old.' It should not seem incredible, that a country, planted by civilized Englishmen two centuries ago, should have made considerable advances since. These reflections ought to calm the alarms of any worthy dowagers, whose sons may hereafter have the rashness to bethink them of a tour among the North American Indians; and may perhaps serve to explain how it happens, that a country where men *gouge*, and stab, and shoot, and play the 'regulator,' should have policed cities, and well dressed women, and balls, and assemblies, and operas. But in truth we give ourselves quite too much concern about this matter. Time will tell all the truth at length, and place us in the true light, however our critics may darken the picture on the one hand, or we ourselves seek to throw in false glares on the other. For it may be, that we sometimes put forth exorbitant pretensions; and while enjoying that general content and competence, which seem destined to exist but at one stage in the progress of a community, would claim credit for refinements, which are purchased mostly at the price of too abundant population, of inequality of property, and of all the unpalatable fruits of these to the less fortunate classes of luxurious states.

Leaving, therefore, our English kinsmen to correct their

prepossessions at leisure, our readers may be curious to know in what light we appear to the native of a country, much more widely remote both in situation and manners. The gentleman to whom the work is attributed, whose title stands at the head of this article, is well known in the United States, where he resided and travelled during several years, at different periods, and where his situation and associations were certainly very favorable to just observation. On some points, indeed, it is hardly to be expected, that the subject of a monarchical government will take the tone we could wish. His 'Sketch,' however, and it is a mere sketch, will, on the whole, lose him no favor with the moderate and impartial. It adds nothing, to be sure, to our stock of facts concerning ourselves, but it has, at least, the merit of being generally correct; and if the reflections, which are judicious and temperate, have no very striking novelty, this circumstance itself serves to show, that their author has associated intimately with us, and thus become familiar with topics, which are frequent in our political and social circles. Perhaps the best compliment we can pay him is to say, that, fortunately placed as he was for collecting the materials, we should have been well pleased to see his *glance (aperçu)* extended to more numerous and minute details.

The following passages contain some of his remarks on the permanent and the accidental causes of our national prosperity, and of the comparative depression felt at this moment. If not very new to American readers, they may at least please us, by the conviction they express of the stable foundation of our commercial importance. The author speaks thus, in his Preface, of the *progress* of the country.

'Wretched villages, which I had left in the midst of impenetrable forests, had assumed the appearance of flourishing towns. Cultivated fields had taken the place of heaths, which not long before seemed impassable, and over ground, which could scarcely be traversed in country wagons, mail stages were to be seen whirling along with the greatest rapidity. Such changes are particularly remarkable in the western part of the state of New York.' *Preface*, p. ii.

He next proceeds to account for this surprising prosperity.

'Natural and immutable causes, joined to others entirely accidental and transient, have concurred in producing the extraordinary developement of industry, in a country so recently eman-

cipated, and so far from the great focus of civilization. Among the permanent causes, we must assign the first rank to the geographical situation of the United States, which gives them all the advantages of an insular position, in regard to external security, without excluding those which result from the possession of a territory, immense in extent, and susceptible of every species of culture.' 'The great extent of fertile lands, and the abundance of the means of subsistence in the United States, are the more favorable to the population, as it is naturally active, laborious, and enterprising. Thus have we seen it double itself in the space of twenty years succeeding the war of their Independence. This single fact in their statistical annals, has not since been repeated.' pp. 5, 6.

After speaking of the establishment of the federal constitution, he proceeds,

Under the ægis of this government, as defective as it would appear at the first glance, the United States have presented themselves to the nations of Europe, to claim their part in the great commerce of the world and the navigation of its seas. This participation would have been inconsiderable, taking into consideration the spareness of the population, the excessive dearness of every species of workmanship, without the long and bloody wars, of which the French revolution was either the cause or the pretext. Seeing nothing to fear from the eruptions of this political volcano, the North Americans profited by the misfortunes of Europe; and having by a series of favorable circumstances, become the only neutral nation of the civilized world, they soon appropriated to themselves the universal coasting trade, concurrently with the English, who ruled the seas, without being able, nevertheless, to subdue the coasts, from which they were constantly repulsed. Whether the neutral commerce or the coasting trade proved most advantageous to the Americans, or to the other nations with whom it was carried on, certain it is that the profits derived from it by the former were so enormous, that after having paid for all the consumptions of the United States, in foreign merchandise, there still remained enough to gratify the expensive taste of a rising luxuriousness and the no less costly refinements of fashionable life.' pp. 10, 11.

Having reviewed successively the interruptions to our neutral navigation, the trade to Spain and Portugal, and finally the pacification of Ghent, he says,

'When the great avenues to these two sources of national wealth were opened to all the nations of Europe, and when they

hastened successively to reclaim their share, that of the Americans diminished as rapidly as it had increased.' p. 15.

'The disappearance of specie, the invariable consequence of too great an emission of paper money, the general distrust, the simultaneous stagnation in all branches of industry, the depreciation of every species of property, the reduction of salaries, were all the bitter fruits of unsuccessful and inordinate speculation, by which it was attempted to replace commerce in its former prosperous condition. Having made enormous fortunes during the space of about a quarter of a century, either by the coasting trade or by other commercial enterprises, the inhabitants of the United States persuaded themselves that this state of things would last forever; and when the pacification of Europe restored commerce to its natural channels, the thirst after gain and the want of luxury had made too great progress, not to cloud the councils of prudence in the minds of the merchants.

'Such is, even at this moment, the internal condition of that country. A general depression is felt throughout the populous cities on the shores of the Atlantic, as well as in the rising towns on the banks of Ohio and Mississippi. Every where is heard the complaint of the hardness of the times, the depreciation of property, and the low price of the produce of the soil.

'But this state of suffering and depression cannot be otherwise than temporary, since all the natural means of prosperity which result from local circumstances, such as the extent of territory, the richness and variety of its productions, the advantages of geographical position, possessed by the United States in an eminent degree, remain untouched. When the effects of a sudden transition from war to peace shall have ceased to operate throughout all the countries of the civilized world; when commerce and general industry shall have found their natural level; the part to be acted by the UnitedStates will be sufficiently important to assure them a distinguished rank among commercial nations, and to afford every requisite encouragement to her domestic agriculture.' pp. 17, 18.

We cannot forbear adding here to our author's remarks, that in fact the staple commodities of our country have for the most part been disposed of with such facility, that our agriculturists have never tasked their invention in the introduction of new articles of husbandry, and seldom made experiments on the various capacity of our soil. Political events, however, will hardly ever again concur in a way so favorable to our commerce, and the effect of a general pacification of Europe must always be sensibly felt by our agriculture; circumstances which, while they may lead us to congratulate ourselves on the extent of our domain,

and the variety of products which it insures to us, should induce us to draw from these untried sources, and promote a wide system of domestic exchange. The commercial importance, and the commercial independence, too, of the United States, are, indeed, founded on circumstances, whose results are constant and inevitable; for they occupy a large space in climates in which the most precious commodities of trade are indigenous, or may be easily naturalized, and are inhabited by a population, whose enterprise is not merely the result of temporary success, but must for ever be fostered by the nature of their institutions.

But while we have been indebted, we doubt not, to our peculiar institutions for a large part of our national prosperity, it is a question full of interest, on the other hand, in what degree we owe to this general prosperity the fortunate operation of our polity, and how it would withstand the encounter of less propitious circumstances. On this subject the tone of our author is not very confident; but on this, and some other defects, which he thinks he detects in our system of government, let him speak for himself.

'Viewed at a distance, this constellation of republics pleases the eye and satisfies the mind; the principles on which they are *based* [?], reflect honor upon humanity; the apparent effects of these popular forms of government, present the image of happiness and contentment; but as soon as you examine them more closely, you discover serious imperfections, and even anomalies. In watching over individual rights thus tenderly, justice is rendered incompetent to the suppression of many offences committed in the daily transactions of life. Without being very important in themselves, they nevertheless affect public order and tranquillity; a well organized police, a thing incompatible with American institutions, could easily, at least in a considerable degree, have prevented their occurrence. In guarding against the abuse of executive power, they have made it incapable of fulfilling the obligations they have imposed upon it, whether it concerns the conduct of the foreign relations of the country, or those of the confederated states among themselves. In their anxiety to restrict the expenses of government, they have excluded from public employment men of education and talents; for it is certain, and all those who have sojourned any time in the United States will concur in the opinion, that a seat in Congress is little sought after by lawyers and physicians in possession of an extensive practice.*

* 'These observations should be taken in a limited sense, that is

'This is not, however, the place to enter into a critical examination of popular governments. Like every other work of man, it bears the stamp of imperfection. But if, as the author believes, limited and constitutional monarchies better guarantee individual safety and public tranquillity than democratical states; yet it is certain, at least, that the latter are the most economical form of government that can be adopted; and whatever we may think of it in other respects, this must be admitted to be a very important advantage in a country which, meteor like, is just bursting from obscurity.' pp. 39–41.

'After all, the institutions of which they seem so proud, having as yet stood the test of but forty years' experience, cannot be regarded as having been submitted to a conclusive experiment. They have yet to pass through the ordeal of the immediate vicinity of a great power like that of Mexico, when this kingdom, after having entirely severed its political ties with Spain, shall be permanently erected into an independent state, either in the form of a constitutional monarchy, or an indivisible republic. The first effect of this change of character on the United States, would be to create an absolute necessity for a considerable increase of their regular army, and thereby of the influence of the federal government.' p. 42.

Of course we do not give our assent to all the opinions which these passages contain. It is true that the experiment of our policy is not yet complete and conclusive; but if its defects are not all yet brought to light, so neither are its virtues; if time, as we doubt not, shall expose the principles which tend to dissolution or decay, it will also, we hope, elicit others, which are, so to speak, preservative and curative. Thus much there is in its favor, that it seems intrinsically rational and just, and may be expected, as in other cases where the fundamental principle is right, to surmount, as occasion may present them, the partial or temporary obstacles, which all systems of human government are liable to encounter. It were uncandid to deny, that the quiet operation of our government, a government whose hand, as has been often remarked, is hardly discernible among its citizens, may be imputable, in a good degree, to the general facility of subsistence. But so, too, it were unreasonable to suppose, that

to say, as applicable to all democratical governments. To prevent any misunderstanding on this point, the author does not hesitate to declare it as his conviction, that a republican government alone suits the United States in their present situation, and is the only one which could subsist in that country.'

institutions, looking at once to the interests of the people and to the diffusion among them, by education, of a just sense of those interests, will not find, in their attachment, the palliation or cure of defects which may be peculiar to them. Under these impressions, we can neither feel much alarm, from the proximity of Mexico, nor allow that our republican system recommends itself most powerfully by its small expenditure, nor agree 'that a well organized police is a thing incompatible with American institutions.' We would set the good order of New England, the spot in which our republican institutions exert, according to our author, their greatest force, in competition with that of any country in the world.

The following passages are devoted to a portraiture of our manners.

'To a traveller, however little accustomed to observe what is passing around him, the interior of the United States offers, undeniably, a most interesting spectacle. On leaving the maritime cities, where all the conveniences of life have been carried to a high degree of refinement, he sees them insensibly diminish, and civilization grow fainter and fainter, in proportion as he advances westward.

'After having left splendid and prosperous cities, and travelled for some time, he arrives at regions where the footsteps of the first civilized settlers (if I may be allowed the expression) are yet imprinted on the soil. At length he finds himself in the depths of forests, until then, visited only by Indian hunters, and among whom, at long intervals of space, he here and there recognises colonists, but lately arrived with their families, who have no other dwellings than their wagons, and scarcely any other food than the salt provisions they brought with them. Thus, in travelling through the interior of the United States, in the course of a few weeks, you may ascend and descend the scale of civilization.

'The English character may be distinctly seen in all the customs of the inhabitants of that country. The construction of their houses, their dress, food, and even amusements, are the same as in England, excepting those stronger or weaker shades of difference, which local circumstances and the nature of a government purely democratical, necessarily impress on the character and habits of the North Americans. To these natural affinities, we may add the identity of language, the influence of which is more felt than that of any other; and we may then easily understand, how the moral sympathies prevail over the political antipathies which exist, in a signal degree, between England and the

United States. England is not generally beloved by the people of the United States; yet the English are better received than any other foreigners, especially when they bring with them the air and manner which characterize a good education. Among the shades of difference between the English and American manners, the first which strikes the eye is a comparative want of cleanliness in the latter. This deficiency arises from various local causes.

'In the northern, middle, and western states, where the influence of slavery is but faintly visible, the dearness of every species of labor affecting all domestic services, renders them sometimes insufficient for the maintenance of great cleanliness in the interior of the houses. Wherever the law sanctions or even tolerates slavery, uncleanliness is in some measure incurable, because it is the inevitable result of that social disease. What traveller in passing through the American colonies, has not felt surprised at the difference, in point of cleanliness, between those states in which slavery exists, and those in which it is abolished. It might be said that in the former, the blacks, who execute all domestic services, communicate their color to everything they touch.

'However, it is proper to observe that the preceding remarks apply particularly to inns, taverns, and other public places which are most apt to attract the notice of a traveller. For the houses of the better classes of society, not only in the maritime cities, but also in the interior of the country, exhibit a degree of cleanliness which scarcely leaves anything to be desired. In the eastern and in some parts of the middle states, even the laboring classes are so remarkable for their cleanliness, that we should seek in vain for the same degree in more than one country of Europe.

'The daily dress of the Americans differs also from that of the English in being less neat. The Americans are too much occupied with their business, which, in consequence of the dearness of labour and the value of time, would be deranged by neglect, to permit them to devote the same degree of attention to the toilet as is customary in England. It is for the same reason, that they do every thing in a hurry, even to eating their meals, which, under different names, they take four times a day. When Sunday comes to suspend the general bustle, the streets of the large cities and public places, are filled with loungers, who pass their time in gazing at passengers, to whom they invariably communicate the *ennui* with which they themselves are oppressed.

'The rudiments of knowledge being very generally diffused throughout the United States, it is not usual to meet, even in the laboring class, with persons who are ignorant of reading, writing, and

arithmetic. English travellers acknowledge that their language, as it is spoken by the generality of the inhabitants of the United States, is purer and more correct than in the mother country, where each province, or in other words county, differs from the rest by its peculiar dialect. But if, after having made this concession, we proceed to the examination of the state of the arts and sciences, at the first glance we discover, that as regards them, the country is still far behind Europe. The price of labor and time concur in producing such a result. This assertion requires explanation. We know that the population of the United States, since the period of their independence, has constantly increased, in a proportion almost unexampled. But the extension of their territory has advanced in a still more rapid progression; to be convinced of which, it is only necessary to consult the map of the United States, such as they were in 1783, and afterwards that which has just been published for the use of schools. The first effect of so vast an accession of territory, has been the dispersion of a number of men over an immense surface.' pp. 110—115.

'In those states of the union, in which negro slavery is sanctioned by law, and where consequently all labor is performed by that heterogeneous race, we frequently find, among the opulent planters, men accomplished in education and manners. We can account for this circumstance by remarking, that these planters, relieved by their slaves from all the grosser details of rural and domestic economy, have more leisure to devote to the study of the useful and ornamental sciences, than the citizens of states in which slavery does not exist. Besides, they associate among themselves exclusively, entirely separate from the negroes, who, from this very fact, are assimilated to other domestic animals; although in Virginia, South Carolina, and some other states, the proportion of blacks amounts to one half the population, and in Louisiana to even more. In this way, the rich living among themselves, reciprocally improve each other in civilization; whilst elsewhere the whole population, or at least the great majority of it, being composed of free citizens, the relations between the rich and poor are materially modified by a spirit of equality, and the continual tendency of property to subdivision. If this tendency exist likewise in states tolerating slavery, at least property is retained in the same class; whilst elsewhere it is distributed throughout all ranks of society. But this advantage enjoyed by the southern planters, is almost counterbalanced by the moral influence of slavery over those who profit by it. pp. 119, 120.

With the estimate of our manners contained in these extracts we are disposed to find little fault. As Americans, we cannot

hear without anxiety what, by the way, is said sometimes at home as well as abroad, that our laws of descent, by which, among other means, we have sought to fortify our republican scheme, are in a fair course to sweep off the whole race of gentlemen; and, as lovers of mankind, we are loath to admit that cultivation and good manners, though they may be and are found in the proprietors of slaves, are the proper fruit of slavery. Much more sound, and accordant with experience, seems the sentiment elsewhere advanced by the author, and judiciously supported by his annotator, that from such a state of things they must 'contract habits of indolence and effeminacy, which will exert a pernicious influence on their moral and physical faculties.' As to leisure, afforded by large hereditary estates, it is egregiously apt to be abused. Primogeniture, if we may believe the wits of England, though they for the most part, it must be owned, have been younger brothers, has never been upheld there on the score of its great tendency to augment the ranks of letters. Yet the aristocracy of England is the best in the world, thanks to the competition of a powerful and intelligent Commons.

The following passage will be pronounced a very melancholy one by our countrywomen.

'The beauty of the women of the United States, is generally acknowledged. But it is of so frail and transient a character, that a sentiment of compassion immediately mingles itself with the pleasure you experience in beholding the young and numerous American beauties, who assemble together in their evening entertainments. You involuntarily compare them to delicate flowers that wither before the slightest breath of a northern wind. The frequent changes in the temperature of the air which distinguish the climate of the United States, exert a fatal influence on the health of the inhabitants and the beauty of the women. pp. 129, 130.

We might add much to lighten the shades of this picture, but our disquisitions have exceeded the limits we intended, and they shall be closed after only one more remark. In our country all is yet new and in progress; nothing has received its finish; neither its moral nor physical developement is complete; and the theorist can only pronounce, that thus far it has, in an admirable degree, subserved the substantial ends of human society. But as yet we have fairly proved neither the productive power of the soil, nor the auspiciousness of the climate to human life, nor the capacity of the country for commerce. Neither have

we yet seen the full play of the political machine, nor its whole effect on manners and society. Nor have we modified the habits, manners, and tastes received from our ancestors, so as to adapt them in all respects to the climate we have found, or the polity we have established. In our turn of thought and prevailing opinions may yet be found something of the English leaven, even, sometimes, when it contravenes our own institutions; as in our habitations, our dress, and many other physical circumstances, there is yet a spice of English taste, not always very suitable to our local condition.

The translation of this work is executed with ease and spirit, and with a discernible and very proper adherence to the style of the original, which is, however, not exactly the French of a Frenchman. To this adherence to the original may be attributed a few Gallicisms here and there. Some errors of haste are also observable both in the translation and in the typography; and as haste is hardly a legitimate excuse for errors in the eyes of reviewers, we hope there may be an opportunity for correcting them in a second edition. The notes appended are respectable, and, besides some corrections of the author's mistakes, contain judicious reflections. On the whole it is a modest and sensible book, which its translator has given to us in an agreeable style; and which we hope will be read, if it be only to see with what candor and discretion the subject of a despotic prince can speak of a republic and its institutions.

Art. XII.—CRITICAL NOTICES.

1.—*Oration pronounced before the Citizens of Providence, on the 4th of July, 1826, being the Fiftieth Anniversary of American Independence.* By William Hunter. Providence. 8vo. pp. 46.

Orations, addresses, eulogies, and the like, come upon us so thickly, that we find it impossible to do them any justice, within the compass prescribed to us, either by a formal criticism, or general notice. The number of pamphlets of this description, which have been laid on our table during the last quarter, if brought under review in detail, would afford matter more than enough to fill up the entire pages of our journal. This multiplicity renders a selection, which shall do equal justice to all, by no means easy, even if we had much more room to spare, than our accustomed limits will allow. We hope this will be a sufficient apology to publishers and authors, for not acknowledging their liberality in supplying us with works of this kind, in a more substantial manner, than merely inserting their titles in our list of new publications. From the nature of our work, which is meant to contain, not a review of books only, but discussions of interesting and important topics, we can rarely do more than this with the mass of new books. The American press is becoming so fruitful, that a short notice of every work would so much encumber our pages, as to leave little or no room for the execution of its main purpose, and we must be contented with making what we deem the less sacrifice. It is our aim, however, to bring before the public whatever is most valuable, and most worthy of observation, in the literary as well as the political progress of the country. But, as we cannot do everything, we are fully sensible that our judgment may not always guide us to do what is best, and herein we claim as much indulgence, as the good nature of our readers shall incline them to think we deserve, and no more.

We call attention to Mr Hunter's oration, chiefly to bring out a few historical facts, which the author has interwoven with his discourse, relating to the State of Rhode Island. Beginning with the first planting of the colony, he observes,

'Roger Williams, the founder of Providence Plantations, the learned and popular divine of Salem, insisted for freedom of conscience in worship, even "to Papists and Arminians;" with security of civil peace. He was banished in 1634–5, as a dis-

turber of the peace of the church and commonwealth. You know the rest— I dare not dilate upon it. The water of that spring near which he took refuge, overlooked from the neighboring hills by armed, but to him harmless savages, ought to be on this day the exhilarating beverage of his descendants—more exhilarating and heartcheering "than costliest wines of Chios or of Crete." Mrs Hutcheson, who, as Cotton says, "was once beloved, and all the faithful embraced her conference, and blessed God for her fruitful discourses," with Coddington, and all her train of Antinomians, were disfranchised and banished, and in their place of refuge, the great island of Adquidneck, Rhode Island, passed in solemn resolve, the earliest and the most strenuous declaration of the principles of perfect freedom in religious concernments, the world had ever known. The third and last, but not less interesting foundation by these primary associations that formed this state, all proceeding from the same persecution, and the same manful opposition, was the settlement of the Gortonists, on lands purchased of Shaw Omet, the Sachem of the Narragansetts. These are the men of Kent, the settlers of the town of Warwick.

'If ever there was a complete and victorious vindication against the sarcasm, that our ancestors were so barbarous, as not to be capable of good sense and good English, it is furnished by the paper issued by the owners and inhabitants of Shaw Omet, dated 28th October, 1643. This paper was addressed to certain men styled Commissioners, sent from the Massachusetts, supported by an armed force, whose names, they say in contemptuous defiance, —"we know not." That paper is heroic, and Homeric; Demosthenian, but superior to Demosthenes. "If you come," say they, "to treat with us in the ways of equity and peace, together therewith, shaking a rod over our heads, in a band of soldiers; be assured that we have passed our childhood in that point, and are under the commission of the great God, not to be children in understanding, neither in courage, but to acquit ourselves like men. We strictly charge you hereby, that you set not a foot upon our lands, in any hostile way, but upon your perils; and that, if any blood be shed, upon your heads shall it be. And know, that if you set an army of men upon any part of our land, contrary to our just prohibition therein, we are under command, and have our commission sealed, all ready to resist you unto death. For this is the law of our God, by whom we stand, which is written in all men's hearts, that, if ye spread a table before us as friends, we sit not as men invective, envious, or malcontent, not touching a morsel, nor looking from you, who point us unto our dish, but we eat with you, by virtue of the unfeigned law of relations, not only to satisfy our stomachs, but to increase friend-

ship and love, the end of feastings. So also, if you visit us as combatants, or warriors, by the same law of relations we will resist you unto death." But their courage could not save them from overwhelming force, preceded, however, by the basest treachery. Gorton, and his associates, Green, Holden, and others, were imprisoned; and Gorton was condemned as a blasphemous enemy of the true religion and its ordinances, adjudged to be confined and set to work, and to bear such bolts as may hinder his escape during the pleasure of the Court; but should he break his confinement, then to suffer death.' pp. 21—24.

Again;

'The charter ultimately procured by the talents, address, and good fortune of Clark, under the form of a corporation, has all the essentials of a well tempered democracy. The king, after he granted it, virtually excluded himself from any interference with it. He had no viceroy, he had no *veto* on the laws of the colony. We endured not his actual or constructive presence. We felt his power hardly at all, his influence rarely, but always benignantly and beneficially. In the first session of the Assembly under that charter, and indeed before it had passed through all the ceremonies of a royal grant, we anticipated and settled that topic of controversy, which a century afterwards convulsed the world. In March, 1663, in an act for declaring the privileges of his majesty's subjects, it was enacted "that no tax shall be imposed or required of the colonies, but by the act of the General Assembly." When Andros, under the commission of James II, called for the surrender of our charter, we did not surrender it. Though we bent before the storm, we did not break down under it. We preserved the charter as the talisman of our being, the palladium of our rights, the idol of our affections. Awaiting the revolution of 1688, we temporized, and though the charter had been, so far as irregular power could do it, annulled, after that glorious event, viz. the revolution of 1688, we went on acting under it, without clamor or apology, as unharmed and unforfeited. When the mother country was in the right, or we thought it so, nothing could surpass the energy and enthusiasm of our patriotism. Under the fascinating influence of the administration of the elder Pitt, we sent five hundred men into the Canadian expedition.' pp. 28, 29.

The following events show the determined and noble spirit of the people of Rhode Island, in resisting the first symptoms of British aggression, which hastened the revolution. It will doubtless be thought, that Mr Hunter a little overrates the importance of these events; but the lofty feeling of patriotism and self respect which prompted them, can never be estimated too highly.

'Before the enactment, or during the negligent enforcement of the English Laws of Trade, we grew up with prodigious thriftiness. The new system adopted after the peace of 1763, not only checked our commerce, but indicated a systematic design of oppression. Of this design, we had an intuitive conception, and to it an invincible repugnance. It has lately, not two months ago, been stated by a British minister in the House of Commons, "that however the attempt at taxation might be viewed as the immediate cause of the American explosion, yet the train had been long laid, in the severe and unbending efforts of England to extend more rigorously than ever the Laws of Trade." "Every little case," he says, "that was brought before the Board of Trade, was treated with the utmost severity." * The two really great cases that occurred, originated here. The first was the attack at Newport, on the 17th of June, 1769, of the armed revenue sloop, Liberty, whose captain had been guilty of some oppressions and enormities. She was attacked by a band of unknown people, who cut her cables, let her drive on shore on the point, where they cut away her masts, scuttled her, carried both her boats to the recently planted liberty tree, at the upper end of the town, and burnt them. The second was the affair of the Gaspee, on the 9th of June, 1772. The first blood that was shed in the revolutionary contest, by that very act begun, stained her deck, and it was drawn by a Rhode Island hand. Yes, the blood of Lieutenant Duddington was the first blood drawn in the American cause. The scene of the transaction is within our view, and you have now in this assembly four of the lads, now veterans, who were zealous and foremost partizans, on that brave occasion. How powerfully permanent is the effect of early principle and habit, how indestructible the cast of original character! How true it is, that "as the twig is bent, the tree inclines." From all I know of these gentlemen, and I have known a good deal—from all their merits and their peculiarities, I should have said, that these were the men, that were engaged in that enterprise. They are they, who on the proposition of their patriotic leader, John Brown, exclaimed, "We are the boys that can do it."' pp. 30—32.

The same spirit was kept alive, till the revolutionary contest became general, as will be seen by the following statement.

'In 1774 you did an act, if possible, more positive, daring, and decisive, more unequivocally indicative of your warlike spirit, and your determination to be independent. You rose, as the British lawyers said, from common felony to high and atrocious treason.

* 'Huskisson's Speech, 12th of May last.'

As soon as the proclamation, prohibiting the importation of arms from England, was known here, you dismantled the king's fort at Newport, and took possession of forty pieces of cannon. All our leading men, not only had at heart, but avowed the same sentiment as that contained in General Greene's letter to Governor Ward, then a member of the first Congress, dated on the 4th of June, 1775, at the camp on Prospect Hill. "Permit me," says he then, "to recommend from the sincerity of my heart, ready at all times to bleed in my country's cause, a declaration of independence, and call upon the world and the great God who governs it, to witness the propriety and rectitude thereof." We anticipated Congress in the declaration of Independence; for, by a solemn act of our General Assembly, we dissolved all connexion with Great Britain, in the May previous. We withdrew our allegiance from the king, and renounced his government forever, and, in a declaration of Independence, we put down in a condensed, logical statement, our unanswerable reasons for so doing.' pp. 35, 36.

There are two or three of General Greene's letters in existence, in which he urged the declaration of Independence more than a year before that measure was resorted to by the Congress. To Rhode Island, it would seem, is due the credit of the first formal declaration by any colony; although South Carolina had two months before formed a new constitution, and instituted an independent government, which, after all, was perhaps as strong a declaration of independence as could be made. Virginia did the same in May, about the time of the Rhode Island declaration. But, in recurring to this subject, we must not forget the Mecklenburgh declaration of independence in North Carolina, made in a solemn manner on the nineteenth of May, 1775, a year before that of Rhode Island. This event is as well authenticated, as any in the revolutionary history. We have examined the subject in another place. *See Vol. XII. p. 35, for January* 1821.

We take the liberty of correcting a slight error, into which the author has fallen, in a matter of some importance. Speaking of the religious freedom early enjoyed in Rhode Island, as established by Roger Williams, he says, 'Your ancestors announced this opinion, and enjoyed its legal exercise, long before the able and amiable Roman Catholic, Lord Baltimore, adopted and enforced it.' But it happens, that Lord Baltimore settled his colony in Maryland, in 1634, the very year in which Roger Williams was banished from Salem. Religious freedom was a first principle with Lord Baltimore from the beginning of his settlement. It cannot be said, therefore, that Rhode Island enjoyed this privilege *long before* Maryland. We have expressed

our opinion on a former occasion [*Vol. XX. p.* 102.], and we still believe it true, that the *first legislative act* in favor of unlimited toleration, which is recorded of any government, was passed by the Roman Catholic colony of Maryland.

We have not taken up Mr Hunter's Oration for the purpose of criticism, yet one or two remarks are demanded from us on this subject. With a good deal of vigor of thought, a rapid style of composition, and a high tone of patriotic feeling, there are some faults of language and rhetoric, which ought not to be passed over. You will find, for instance, such words as *rationalize, stabilitated, inobstructible, insurgency, violative.* Some of the author's metaphors are strained in no ordinary degree. He tells us, that the Rhode Islander, in the enjoyment of his religious liberty, 'may drink the waters of life, in rude simplicity, from the palm of his hand, from the crystal cup of reformed episcopacy, or from the embossed and enchased golden chalice of papal gorgeousness.' Again, Rhode Island 'is like the fabled sea nymph, described in the Grecian Anthology, and depicted on antique gems and cameos, of exquisite exility of form, but whose long, slender, and streamy arms embrace, in their graceful fold, a hundred other islands and shores.' Once more, a certain operation of the mind 'sublimates imagination to evanescence.' Few other passages are so extravagant as these, yet there are many examples of loose expressions, and an indefinite use of language, which should not have escaped an accurate writer.

2.—*The Ohio Gazetteer, or Topographical Dictionary, containing a Description of the several Counties, Towns, Villages, Settlements, Roads, Rivers, Lakes, Springs, Mines, &c. in the State of Ohio; alphabetically arranged.* By John Kilbourn. Eighth edition, carefully revised and corrected. Columbus, Ohio. 12mo. pp. 231.

The progress of the states of the West, in population, wealth, and improvement, is so rapid, as not only to defy political calculation, and set at nought all former precedent, but also to outstrip the geographer in his greatest speed. The tide is so strong and incessant, that the change is perpetual, and what is true to day will be doubtful tomorrow, and entirely false in a week to come. To no state does this remark apply more strikingly, than to Ohio, the astonishing growth of which, within the last thirty years, would have seemed a miracle at any former age of the world. Within the memory of thousands now living, Ohio was a wilderness, the abode only of savages and wild beasts; it now contains

more than half a million of inhabitants, who exhibit evidences of improvement, and are prosecuting schemes of enterprise, that would do credit to the oldest nations. Indeed, the great canal now in execution, connecting the Ohio river with Lake Erie, and running a distance of more than three hundred miles, is a work of which Europe might justly boast. Civil institutions, agriculture, manufactures, and all the resources of power and wealth, advance in the same rapid ratio. Seven colleges and about fifteen academies, have been established by charter in Ohio. Common schools are numerous, and are multiplying continually. About two years ago a law was passed, instituting a uniform system of common schools throughout the state.

The Ohio legislature consists of a senate and house of representatives, the members of which are chosen in districts according to the population. By the constitution the number of senators can never be over *thirtysix;* nor that of the representatives over *seventytwo.* There is a peculiar feature in the legislative authority, applicable, we presume, to very few of the states. The general assembly has the sole power of passing laws, the signature of the governor being in no case necessary. The judges are chosen by the legislature for seven years; the justices of the peace are chosen for three years by the people of each township.

If success is a proof of merit, Mr Kilbourn's work demands praise. We have the eighth edition before us. His plan is simple, and well adapted to his purpose. The towns, counties, rivers, and remarkable places, are arranged in alphabetical order, with such remarks attached to each, as its importance would seem to require. The number of inhabitants in the several townships, and the distances between the principal towns, are carefully noted. In short, all the geographical and statistical knowledge usually found in gazetteers, has evidently been collected with great industry by the author, and exhibited in a manner at once perspicuous and satisfactory. He gives some curious particulars respecting the ancient mounds and fortifications in Ohio.

But nothing has struck us as more odd, in looking through the book, than the number of places of the same name. We will add here a few examples. The name of Bloomfield, as given to a county and towns, occurs *five* times; Canaan, *four;* Center, *five;* Clinton, *seven;* Concord, *eight;* Fairfield, *nine;* German, *five;* Franklin, *sixteen;* Green, *eighteen;* Harrison, *sixteen;* Jackson, *eighteen;* Knox, *five;* Jefferson, *eighteen;* Liberty, *eleven;* Madison, *nineteen;* Milford, *six;* Monroe, *twenty;* Orange, *six;* Oxford, *seven;* Perry, *fifteen;* Pike, *nine;* Pleasant, *seven;* Richland, *ten;* Salem, *thirteen;* Springfield, *thirteen;* Troy, *six;* Union, *twentyseven;* Washington, *twentytwo;*

Wayne, *twenty*. And this is not all; the changes are rung on almost every name with the suffixes *ville, field, burgh*, and others. Thus we have *Waynesville Waynesburgh, Waynesfield; Jacksonville, Jacksonburgh; Franklinton.* And then comes the prefix *New*, as *New Liberty, New Madison, New Salem.* A more deplorable confusion of names could hardly be imagined. It not unfrequently happens, indeed, that two adjoining counties have each a town of the same name, and bordering upon the same line; thus, you have but a single step to take from *Madison* in Franklin county to *Madison* in Pickaway county, these two towns being separated only by a line; and so of others. The legislature of Ohio could not do a wiser thing, than to appoint a committee of ingenious men to devise as many distinct names, as there are separate towns in the state, and then to let them be assigned by lot. This would require no great stretch of invention on the part of the said committee, and the benefit hereafter would be incalculable.

3.—*The Harvest Festival, with other Poems.* By F. S. H. 18mo. pp. 79. Boston. True & Greene.

Notwithstanding the weeds sprinkled amongst these flowers, and notwithstanding an unnatural and inexcusable contempt, which the author entertains for a most laudable, painstaking, and responsible class of individuals, *videlicet*, reviewers, which we regret to perceive, but which time will doubtless correct in a young man; notwithstanding these things, we say, he so combines a flow of numbers, often melodious, and a luxuriance of fancy, elegant though unpruned, with a delicate perception of whatever is beautiful in nature, that we cannot but hail him, as one of that favored, but melancholy brotherhood, whose aspirations are 'beyond the visible diurnal sphere,' whose thoughts and desires do not seek the world so much, as, in his own language, they seek

> 'the melody among the leaves
> Of the green woods,'

and the brooks, as they

> 'Go murmuring on, bathing the roots of flowers,
> And making music in their fine spun threads.'

The 'Harvest Festival,' the longest poem in this collection, possesses merit, and, what is better, gives promise of dramatic excellence. Where the author intends to be familiar, his lan-

guage is simple and colloquial, and where the subject requires it, he becomes elevated and energetic. We cannot say, however, that this poem seems to us the best specimen of his talents. From the smaller pieces, some of which are very spirited, and others of a more fanciful cast, we have selected the following verses, which struck us as very simple and pretty, and on the whole a fair instance of his skill in song writing.

'O yes! our forest home is sweet,
Its sylvan bowers I love,
'T is like some fairy's cool retreat,
Or glen where sprites might rove;—
And through the greenwood lattice streams
The starry radiance of the sky,
And on each sleeping wild flower beams
Like Love o'er Beauty's soft fring'd eye.

Then when the fresh breeze blows aside
The misty veil of morn,
And tints like blushes of a bride,
Her virgin cheek adorn,
We haste where gushing fountains play,
Or where the silver brook glides by,
And laugh the joyous hours away,
In the light of Beauty's sunny eye.' p. 34.

We might select others equally good, but must hasten to notice some short sketches, entitled 'Dreams,' in which our author, with a graphic pencil, has drawn portraits of several of the most celebrated amongst our own poets, with such force and keeping, that a glance serves to distinguish them. The following sketch of one of our sweetest bards, we like extremely.

'A little further on
There was a goodly grove, and one sat there
With brow uncover'd, and his bosom bared,
Enjoying the cool breeze that was among
"The green and stirring branches." As he look'd
Upon the scene around him—at the rocks
O'ergrown with moss—the old uprooted tree
Stretch'd o'er the brook, and at the rivulet
Leaping in gladness down the steep—his soul
Seem'd full of thankfulness to Him who made
Such quiet haunts for man. Nature, methought,
Had taught him her own mellow murmurings,
And in her language, he spake of the groves,
God's earliest temples,—of the worshippers,
That in them first bow'd down in prayer, and built
Their rustic altars, and upon them heap'd
The first fruits of the earth—and the firstborn
Of all their flocks.' pp. 64, 65.

The concluding lines of 'Dreams,' are descriptive, and allude sadly and feelingly enough to the uncertainty of literary distinction and rewards. It is of poets he is speaking.

> 'This group seem'd numberless,—and some there were
> Who rav'd most loudly, and they swore that they
> Would heave the earth from her old resting place,
> Scoop oceans up—stop each volcano's mouth,
> And sink the mountains in some horrid cave,
> If *she* would give one smile for all their pains.
> Others were forming projects how to twist
> The moonbeams into necklaces, to deck
> Some fair one—or to rob the comet's train
> To twine *'mid her dark hair*—or cull the stars
> For spangles to her girdle—or to bring
> The breezes of Arabia, to perfume
> Her bower;—and one had made a vow
> To mount astride the billows, when the storm
> Was heaving them to heaven, and tear away
> The broad, blue curtain of the sky, because
> Its color rivall'd his fair Delia's eye.
> And when at length a flashing crown was hung
> Far in the distance, every eye was turn'd,
> And firm intent to win it, seem'd t' impress
> Each mind. But a low breathing in the air,
> Unheard by them, came o'er my list'ning ear;
> *Ye seek the wreath of Fame;—toil on—toil on;*
> *When ye are low, perhaps they'll bring its flowers,*
> *And strew them carelessly upon your graves.*'

Aristotle says somewhere, that 'all men of parts are melancholy.' Poets, indeed are proverbially sad, and eminent writers have said much to prove this temperament constitutional. We are half inclined to believe it is so. The poet's feelings are deeper than other men's. His associations are wider; the rich glow of a summer evening, beautiful in the sight of all, and pregnant with pleasureable emotion to most, may be to him a fruitful source of tears; the mountain crag, and the sublime but dreary scenery of nature, may perhaps bring him back to the wild and desolate waste of his own mind. Yet may his heart be pure and childlike, and his thoughts innocent; for imagination will sometimes rear ruinous fabrics, amidst scenes of fertile and cultivated luxuriance. Unwilling, indeed, should we be to think, that this was the tendency of our author's mind, and yet some of his finest productions are shaded by a tinge of melancholy.

We might, were we so disposed, detect errors in this volume, of false rhyme and quantity,

> As where 's that palace whereinto foul things
> Sometimes intrude not?

Some of these are evidently typographical, others quite as clearly result from the author's own carelessness. The following line does not contain syllables enough,

'The gigantic rocks that look as firm;'

and in this,

'The green luxuriance of Spring sparkled,'

the measure requires the accent to bear on the last rather than the first syllable of the concluding word.

With these remarks we must dismiss the volume, pleased with our author's first attempt and glad to say to him, *Macte virtute.*

4.—*A Chronological History of New England, in the form of Annals; being a summary and exact Account of the most material Transactions and Occurrences relating to this Country, in the Order of Time wherein they happened; with an Introduction containing a brief Epitome of the most considerable Transactions and Events abroad, from the Creation.* By Thomas Prince, M. A. Boston, 1736. A new edition. 1826. Cummings, Hilliard, & Co. 8vo. pp. 439.

This very elaborate and useful history is now for the first time published in a uniform edition. It was the misfortune of the learned author to live at a period, when the country was too poor, and the patronage bestowed on literary labors too limited, to enable him to proceed in the publication according to his original design. The first volume, was published, in duodecimo, in the year 1736, embracing what is contained in the first three hundred and sixteen pages of the present volume. It is much to be regretted that the sale of the volume was not sufficient to encourage him to proceed immediately in the work. For want of due encouragement, it was delayed for nearly twenty years, when, in 1755, three pamphlet numbers, of thirtytwo pages each, appeared, in continuation of the work. In 1758 the author died, leaving the work unfinished.

The Reverend Thomas Prince was a native of Middleborough, in the County of Plymouth, and was graduated at Harvard College in 1707. His curiosity was early excited to inquire minutely into the history of the country; and before he left college he had begun to form a collection of all such books, pamphlets, and manuscripts, coming within his reach, as tended to illustrate the object of his research. He afterwards travelled several years in Europe, during which time he prosecuted his favorite inquiry,

and greatly enriched his collection of books relating to American history. Everywhere, he says, he found the want of a regular history of this country complained of, and he was often moved to undertake to supply it. Soon after his return to this country, in 1718, he was settled as pastor of the Old South Church in Boston, in which situation he found no leisure, for a number of years, for the undertaking. He continued, however, his care in collecting materials for a New England history, and was at length induced, by the urgent solicitations of those who were acquainted with his eminent qualifications for the task, to undertake the present work. Having formed this design, to add to the stock of his materials, all the ministers throughout the country were requested to furnish him with such information as would aid his undertaking. The materials thus collected, added to his precious stock, formed what he denominated a 'New England Library.' This valuable library, with the exception of some material dilapidations which it suffered during the revolutionary war, is still extant, and by the liberality of the proprietors of the Old South Church, is now mostly deposited in the library of the Historical Society.

It has generally been considered a matter of regret that Dr Prince prefixed to his 'New England Annals,' a long and elaborate Introduction, consisting of a chronological record of remarkable events from the creation to the settlement of this country. This portion of his work, though the fruit of vast labor, and careful research, and for many purposes highly valuable, seems to be here misplaced, and however highly we might be disposed to value it, we could not avoid the reflection that the peculiar talents of the author would have been much more profitably employed on that part of the work which was embraced in his original design. This Introduction, most of which is in a tabular form, is, in the present edition, judiciously printed in a small type, and thus compressed within a comparatively small space.

Of the 'New England Chronology,' so far as it extends there has been no difference of opinion. It is distinguished for its accuracy and extreme caution. It contains, within the period embraced in it, almost every thing that later research has been able to discover, and in a form which enables the reader to judge of the authenticity of every statement. Almost the only regret is, that it comes to so premature a close. For the narrative of events which led to the emigration of the first settlers of New England, from 1603 to 1620, and for a minute history of the first settlement of the Plymouth and Massachusetts colonies, to the year 1633, it may be confidently consulted, not only as the most complete and satisfactory work, but as containing almost everything that is extant, arranged in chronological order, with the

authority uniformly cited, and generally in the words of the original narrator. It is therefore a work of the greatest utility, and almost necessary to one who would form an intimate acquaintance with the history of the first planting of New England.

A new edition has long been wanted, as the old one was no where to be purchased, and was only to be found in old libraries. The editor of the present edition, besides adopting a more modern and uniform orthography, and introducing in their proper places the additions and corrections made by the author at the end of each part of the original publication, has adopted a more intelligible mode of referring to the authorities quoted, and has added a few explanatory notes. Every public library in the country ought to be furnished with a copy of this work.

5.—*Summary of the Practical Principles of Political Economy, with Observations on Smith's Wealth of Nations, and Say's Political Economy.* By A Friend of Domestic Industry. Cambridge. Hilliard & Metcalf. 8vo. pp. 88.

As we have not room to examine this work in detail, we shall do no more than give our impressions of its character in a few words. The first part, called a 'Summary,' consists of a series of brief maxims, or principles, on the various topics of political economy, methodically arranged. The second part is made up of criticisms on some of the opinions of Adam Smith, and of Say. The *principles* show an acute mind, quick in research and decision; they are sometimes sound and pithy; but, as far as we understand the subject, they are often of dubious import, and very often entirely erroneous. Precipitancy, imperfect examination, and a proneness to decide on first impressions, we fear have in too many cases led the author astray. We know of no science requiring more patient investigation, than the one which is here briefly dispatched in a series of aphorisms. It is a science involving all the relations of political and social life, and has proved itself too much for the grasp of many of the first order of minds, after years of laborious study and inquiry. It is not surprising, therefore, that our author should fall into many mistakes, in attempting to comprise the whole in so short and hasty a sketch; and that, too, with some professions of originality and new illustrations. Such an undertaking would have appalled most men, and the courage, which, in defiance of such obstacles, has prompted this attempt, may demand our praise even in its failure.

The criticisms on Adam Smith and Say, which constitute the second part of the work, are not altogether to our liking. We agree with our author in some of his objections to the doctrines of those great leaders in the science; in a few cases, he has detected these with discrimination, and exposed them with force; in others, he has called up old objections and confuted them in the old way; in others still, he imagines them to exist where few will accord to him a discovery. Adam Smith was one of the master spirits of his age, possessing a mind of extraordinary power and resources, and throwing a new and brilliant light upon every subject he touched. In such a man's opinions there may be errors, but they are not the errors of a hasty decision, or of a feeble grasp of his subject; nor are they to be confuted by a syllogism, a sentence, or a paragraph. Smith and Say have passed the ordeal of the world, not as exhibiting a new science in its perfection on the day of its birth, but as writers of very great merit on political economy, who stand indeed at the very head of the list, and whose errors, compared with the truths they enforce, are as a drop in the sea. Their faults are mere specks on the bright mirror of their fame. Let these be cleared away, but in a manner, which shall show equal respect for the judgment of mankind, in assigning to these writers so a high a rank, and for themselves as honest expounders of a system, which they believed to be true, and which they put forth the strength of their genius to develope and explain.

6.—*A Map of the New England States, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, with the Adjacent Parts of New York and Lower Canada; compiled and published by* Nathan Hale. Boston, 1826. Engraved by J. N. N. Throop.

In illustrating the geography of New England, nothing has recently come before the public, which can be deemed of so much importance as this map. It has been the work of several years, with all the facilities for executing such an undertaking, which could be obtained by a diligent research, and a free access to the means of knowledge. It is drawn on a scale sufficiently large to exhibit the boundaries of every town, and all the important geographical features of the country which it embraces; and the public have the surest pledge of its accuracy, not more from the known ability of the editor to execute such a work, than from the uncommon advantages, which he has possessed, in the variety and

fulness of his materials. In addition to the best printed maps and documents, he has had access to numerous manuscript surveys and plans, and has consulted the acts of incorporation for the boundaries of towns. The principal roads are drawn with distinctness, and the villages, meeting houses, bridges, and other important objects are carefully noted. In short, no map, or series of maps, has appeared, which we can recommend with such entire confidence to all, who would obtain an accurate view of the topography of the New England states.

The engraving has been executed with great care by a skilful hand, and is neatly finished. Neither time nor pains have been spared, by the publisher and the engraver, to make the work as perfect as the nature of it would admit, and worthy of the approbation and study of such persons as seek instruction in this department of knowledge.

7.—*Hints to My Countrymen*, by an AMERICAN. New York. J. Seymour. 12mo. pp. 216.

THIS volume we have perused with satisfaction. A severe criticism would find in it some extravagances in sentiment, and some affectations in language. Trivial incidents are too often made occasions of grave remark, and the more important ones do not always sustain the tone of reflection into which they lead the author. We do not think it perfectly good taste, in a work exactly like this, to introduce names and anecdotes of distinguished living indviduals, and in the present instance we cannot but think some of the anecdotes would have better been omitted. The title indicates the character of the volume. It allows great latitude in the selection of subjects, and the author has used his privileges. In the short notice we propose to make, we shall show what seems to us to be the design of the author, and with what success this has been prosecuted.

He intends to show that a moral and instructed yeomanry are the great and stable blessings of a nation. The good they effect is their own, as well as their country's. He gives animated and very pleasing views of an enlightened industry. The country where this is cherished has a pure moral atmosphere, as well as the healthful breezes which are native to it. The mind and the body, the forests and the fields, are vigorous and luxuriant in such a country. Freedom of thought and of action will be found in it. It will favor useful learning, and produce a love for its privileges, as well as a pride in them; but if this love and this pride have

their spring in a just sense of these privileges, they will not be thought unnatural or unamiable. It is to be feared, it perhaps should be acknowledged, that in some parts of the land, a proper feeling on this subject is not yet entertained. Our independence and equality are thought to be so exclusive of distinctions, that just claims to attentions and courtesy are not always felt or not always allowed. Travellers from abroad into our interior, have observed this, and have noticed it to our disadvantage. We occasionally feel it ourselves. Now this is not the fault of our freedom; it springs directly from a want of knowledge. You will always find, where our yeomanry most want courtesy, are least accommodating, or are most rude, that there the public provisions for education are most defective. Children grow up with little respect for their natural superiors; and have little at the disposal of the strangers whom accident may throw amongst them. There is another remark in this connexion equally true; that in such parts of the country, there is much poverty, little care about appearances, a slovenly agriculture, and much intemperance.

These are great evils in any land, they are peculiarly so in our own. We hold our blessings not by the mere freedom which we have inherited. That freedom was the growth of a fine perception of the endowments as well as rights of intelligent beings. It was an enlightened conviction that in the wide circle of creation there was nothing better, nothing so good, with which we had a direct relation, as the human mind. This power our ancestors acted upon chiefly. They built colleges and schools for its cultivation and exercise; and among their earliest foundations were our churches, in which an improved intellect was to find means and opportunity for its highest elevation. Education, moral and intellectual culture in its highest sense, was the great aim and end of our ancestors, and it was this which taught them that they were free.

We think these views very important. It was not consistent perhaps with the plan of our author, if he had any distinct plan, to allude very particularly to them. It was more grateful to him to notice their effects. We do not discredit his representations, for his travels have carried him through portions of the country in which the value of education is understood. Still it would not be just to our country, nor to ourselves, to leave it unstated, that even with us there is much that is wild and waste. The 'Book Merchant,' or traveller, whose tour makes up so much of the book, and which we think the best part of it, acknowledges, indeed, that he saw some things that did not altogether please him; but he was unwilling to mar the beautiful by sketches of the de-

formed. This is very amiable in him, but it is wisest and best to know the whole truth about the evil. Here it is particularly so, for in our honest complacency at our truly great privileges, we are in danger of loving our faults; or, if we do not actually cherish them as parts of our privileges, we may think too little about the matter to correct them. Let it then always be understood, and let it always be stated, that the safety and happiness of this land are to be looked for solely in its provisions for education. We cannot be more free than we are; there is hence no danger here in knowledge. Our courtesy, our kindness, our whole morality, will always be in exact proportion to our moral and intellectual cultivation. All that is brought forward on this topic in this volume, and it hints much concerning it, is very interesting. It is our yeomanry, whose good and whose happiness it everywhere studies, and this, with us, has given to a hasty and temporary work, an interest we are very free to acknowledge.

We regret that the 'Book Merchant' is a foreigner, and an Englishman. We do not think a stranger, though a very shrewd observer, the best judge of either the good or the bad amongst us. Both of these are comparative everywhere. But in a country like ours, so unlike in so great a variety of particulars, and where resemblance depends on so many circumstances not very readily comprehended by a stranger, a comparison of ourselves with ourselves should, to be useful or credited, be made by the wise observer of our own land. As to comparisons with another country, even with that from which we sprung, we are very doubtful of their correctness or expediency. This is as true of men as of literature. Our literature has always suffered, because it has been so common with us to compare it with the literature, and the best too, of another country. It will be the same with our institutions, our habits, and our manners. It is with ourselves, our own minds, and all the peculiarities our institutions may and do produce, our country, and all the circumstances in which it is novel, we would say *original;* it is with these we are most deeply concerned, and it is by a study of all these that we are to find defects and remedies, an elevated morality, and a distinctive literature.

We do not, indeed, suffer in the present instance, where the comparison is between us and England, for the balance always appears in our favor. It seemed to us somewhat against the representations of the foreign literary pedlar, that he should love us so much, and his own home so little. His descriptions are exaggerated. He compares great comfort with extreme misery. In his admiration he becomes enthusiastic, and an enthusiast is not the best observer of the simple, homely scenes which it is the object of the

author to describe. But we principally object to the 'Book Merchant,' because he seems to want sympathy with his own country. There is a depth of misery at this day in England, which perhaps that nation has never known before. There is poverty and famine there, and the cold of winter is coming to heighten a suffering, which seems, even now, to have reached its utmost limits. We should be grateful for our blessings, but there is something in the misery alluded to, which does not for a moment admit of any other feeling but sympathy.

We would not however be grave in our short notice of this useful volume. The author discovers so much true benevolence, that the good humored loquacity of his principal character should not be too gravely criticised. But the book is for our 'countrymen,' a class which, however it may have been neglected by our writers, has the strongest claims on the vigorous and best minds amongst us. What has and may be done for them in this way, will form a novel, and it may be a peculiar literature here, and we hope our author will continue his labors, and enlist kindred minds in the same good cause. We have principally noticed his work because we feel so much interest in what we regard its object; and he will not be offended by our criticism, even though it be not in its whole extent applicable to his present labors. He has given excellent sketches of our yeomanry, and we think his work cannot fail to interest and instruct them. He shows how useful education is to this great class of our community; and if he values it because it helps to make men economical, and so aids thrift, he shows that its principal agency in this way is through the better morality it produces. In this view the spirit of this little work is good, and claims for it a wide circulation.

8.—*An Address to the Whites; delivered in the First Presbyterian Church of Philadelphia, on the 26th of May*, 1826. By Elias Boudinot, a Cherokee Indian. Philadelphia. 8vo. pp. 16.

A book written by an Indian is a novelty, even in this native land of Indians. The one before us has much interest, both in regard to its origin and its subject. It was made, as we see on the titlepage, by a Cherokee Indian, and it gives a short, but somewhat remarkable account of his nation. We shall let the author speak mostly for himself.

'You here behold an *Indian*, my kindred are *Indians*, and my fathers sleeping in the wilderness grave—they too were *Indians*.

But I am not as my fathers were—broader means and nobler influences have fallen upon me. Yet I was not born as thousands are, in a stately dome and amid the congratulations of the great, for on a little hill, in a lonely cabin, overspread by the forest oak, I first drew my breath; and in a language unknown to learned and polished nations, I learnt to lisp my fond mother's name. In after days, I have had greater advantages than most of my race; and I now stand before you delegated by my native country to seek her interest, to labor for her respectability, and by my public efforts to assist in raising her to an equal standing with other nations of the earth.

'The time has arrived when speculations and conjectures as to the practicability of civilizing the Indians must forever cease. A period is fast approaching when the stale remark, "Do what you will, an Indian will still be an Indian," must be placed no more in speech. With whatever plausibility this popular objection may have heretofore been made, every candid mind must now be sensible that it can no longer be uttered, except by those who are uninformed with respect to us, who are strongly prejudiced against us, or who are filled with vindictive feelings towards us; for the present history of the Indians, particularly of that nation to which I belong, most incontrovertibly establishes the fallacy of this remark. I am aware of the difficulties which have ever existed to Indian civilization, I do not deny the almost iusurmountable obstacles which we ourselves have thrown in the way of this improvement, nor do I say that difficulties no longer remain; but facts will permit me to declare that there are none which may not easily be overcome, by strong and continued exertions. It needs not abstract reasoning to prove this position. It needs not the display of language to prove to the minds of good men, that Indians are susceptible of attainments necessary to the formation of polished society. It needs not the power of argument on the nature of man, to silence forever the remark, that "it is the purpose of the Almighty that the Indian should be exterminated." It needs only that the world should know what we have done in the few last years, to foresee what yet we may do with the assistance of our white brethren, and that of the common Parent of us all.'

pp. 3—5.

'The Cherokee nation lies within the chartered limits of the states of Georgia, Tennessee, and Alabama. Its extent, as defined by treaties, is about two hundred miles in length from East to West, and about one hundred and twenty in breadth. This country, which is supposed to contain about ten millions of acres, exhibits great varieties of surface, the most part being hilly and mountainous, affording soil of no value. The vallies, however,

are well watered, and afford excellent land, in many parts, particularly on the large streams, that of the first quality. The climate is temperate and healthy; indeed I *would* not be guilty of exaggeration were I to say, that the advantages which this country possesses to render it salubrious, are many and superior. Those lofty and barren mountains, defying the labor and ingenuity of man, and supposed by some as placed there only to exhibit omnipotence, contribute to the healthiness and beauty of the surrounding plains, and give to us that free air and pure water which distinguish our country. These advantages, calculated to make the inhabitants healthy, vigorous, and intelligent, cannot fail to cause this country to become interesting. And there can be no doubt, that the Cherokee nation, however obscure and trifling it may now appear, will finally become, if not under its present occupants, one of the garden spots of America. And here, let me be indulged in the fond wish, that she may thus become under those who now possess her; and ever be fostered, regulated, and protected by the generous government of the United States.

'The population of the Cherokee nation increased from the year 1810 to that of 1824, two thousand, exclusive of those who emigrated in 1818 and 1819 to the west of the Mississippi; of those who reside on the Arkansas, the number is supposed to be about five thousand.

'The rise of these people in their movement towards civilization, may be traced as far back as the relinquishment of their towns; when game became incompetent to their support, by reason of the surrounding white population. They then betook themselves to the woods, commenced the opening of small clearings, and the raising of stock; still, however, following the chase. Game has since become so scarce that little dependence for subsistence can be placed upon it. They have gradually, and I could almost say, universally forsaken their ancient employment. In fact, there is not a single family in the nation, that can be said to subsist on the slender support which the wilderness would afford.' pp. 6—7.

After stating several other facts, showing the progress of the Cherokees in civilization, and the arts of life, he proceeds to say;

'There are three things of late occurrence, which must certainly place the Cherokee nation in a fair light, and act as a powerful argument in favor of Indian improvement.

'First. The invention of letters.

'Second. The translation of the New Testament into Cherokee.

'And third. The organization of a government.

'The Cherokee mode of writing, lately invented by George Guest, who could not read any language nor speak any other than

his own, consists of eighty-six characters, principally syllabic, the combinations of which form all the words of the language. Their terms may be greatly simplified, yet they answer all the purposes of writing, and already many natives use them.

'The translation of the New Testament, together with Guest's mode of writing, has swept away that barrier which has long existed, and opened a spacious channel for the instruction of adult Cherokees. Persons of all ages and classes may now read the precepts of the Almighty in their own language. Before it is long, there will scarcely be an individual in the nation who can say, "I know not God, neither understand I what thou sayest," for all shall know him from the greatest to the least. The aged warrior, over whom has rolled three score and ten years of savage life, will grace the temple of God with his hoary head; and the little child, yet on the breast of its pious mother, shall learn to lisp its Maker's name.'

'The government, though defective in many respects, is well suited to the condition of the inhabitants. As they rise in information and refinement, changes in it must follow, until they arrive at that state of advancement, when, I trust, they will be admitted into all the privileges of the American family.

'The Cherokee nation is divided into eight districts in each of which are established courts of justice, where all disputed cases are decided by a jury, under the direction of a circuit judge, who has jurisdiction over two districts. Sheriffs and other public officers are appointed to execute the decisions of the courts, collect debts, and arrest thieves and other criminals. Appeals may be taken to the Superior Court, held annually at the seat of government. The legislative authority is vested in a general court, which consists of the national committee and council. The national committee consists of thirteen members, who are generally men of sound sense and fine talents. The national council consists of thirty-two members, beside the speaker, who act as the representatives of the people. Every bill passing these two bodies, becomes the law of the land. Clerks are appointed to do the writings, and record the proceedings of the council. The executive power is vested in two principal chiefs, who hold their office during good behaviour, and sanction all the decisions of the legislative council. Many of the laws display some degree of civilization, and establish the respectability of the nation.

'Polygamy is abolished. Female chastity and honor are protected by law. The Sabbath is respected by the council during session. Mechanics are encouraged by law. The practice of putting aged persons to death for witchcraft, is abolished, and murder has now become a *governmental* crime.' pp. 9—11.

Our readers will agree with us, we believe, that these particulars savor a little of the marvellous, especially when considered as uttered by the voice of an Indian; yet we have no doubt of their truth. The Cherokees have written laws, and a representative government, though not, as far as we can learn, of a very republican cast. The chiefs have found little difficulty, probably, in persuading the people, that they know not how to govern themselves. Power is a strong argument, and this the chiefs had entirely in their own hands. They deserve credit, therefore, for giving up as much of it as they have done; and it may be expected, that the same spirit of concession will hereafter operate in accordance with circumstances, till a free government shall grow out of the present aristocratical system. The Cherokees exhibit a novel spectacle; but the result is not difficult to conjecture. A community of *civilized Indians* is an anomaly that never has existed, nor do we believe it ever will exist. Bring the Indians up to this mark, and you put them on a level with whites; they will then intermarry, and the smaller mass will be swallowed up by the larger; the red skin will become white, and the Indian will be remembered only as the tenant of the forests, which have likewise disappeared before the march of civilization.

9.—1. *Memoria de los Ramos del Ministerio de Relaciones Interiores y Esteriores de la Republica, leida en las Cámaras del Soberano Congreso en los dias* 9 *y* 14 *de Enero del Año* 1826.

Memoria de Marina, presentada a las Cámaras por el Secretario de Estado y del Despacho del Ramo. Mexico, 1826.

2. *Memoria, que en Cumplimiento del Articulo* 120 *de la Constitucion Federal de los Estados Unidos Mexicanos, leyó el Secretario de Estado y del Despacho universal de Justicia y Negocios Eclesiásticos, en la Cámara de Diputados el dia* 3, *y en la Senadores el dia* 4 *de Enero de* 1826, *sobre los Ramos del Ministerio de su Cargo.*

3. *Aquila Mejicana de Mayo y Junio,* 1826.

4. *Memoria del Secretario de Estado y del Despacho de la Guerra, presentada a las Cámaras en Enero de* 1826. Mexico.

5. *Memoria de Marina, presentada a las Cámaras por el Secretario de Estado y del Despacho del Ramo.* Mexico, 1826.

The ancient states of Mexico, in their new condition of civil freedom, and of national independence, are a most interesting

subject of contemplation to the inhabitants of this country. The conquests of Cortez, like nearly all the rest of Spanish America, have ceased to be humble dependants of Spain, walled around by the narrow maxims of impolitic monopoly, with which the council of the Indies impoverished the mother country, and oppressed her colonies. Like her sister republics, too, Mexico, is pressing forward in the race of improvement, with all that speed and vigor, which liberal institutions never fail to impart. She has rejected the *central* system, which the Colombians deemed necessary for their country and alone fitted to their situation; and in imitation of us, has adopted the more auspicious form of a federal government. Lying contiguous to our territory, inviting by her position to the closest commercial intercourse with her, and professing so many political principles in harmony with ours, Mexico assuredly yields not to the other emancipated regions of the New World, in her claims upon the attention of the United States.

The official documents, enumerated at the beginning of this article, exhibit a cheering picture of the rapid advancement of these important regions to the tranquil state of well ordered government. The early promise of their independence was unpropitious; but its approach to maturity continues under every most favorable omen. The memoirs of the respective heads of department afford us the means and the opportunity of explaining, a little in detail, the public concerns of the renovated realms of Montezuma.

The condition of the army and navy of the republic as exhibited by the minister Gomez Pedraza, deserves a passing word, although these do not interest us so much as her civil institutions. Her forces are undoubtedly adequate to her defence against the exhausted resources of Spain. They actually consist of a ship of the line, a frigate, a corvette, six brigs, four schooners, and eight gunboats, for the sea; and 22,750 standing troops, and 21,577 effective militia. The surrender of the castle of St. Juan de Ulúa has left these forces no immediate offensive service to perform; and their defensive duties are chiefly precautionary. The government is making every exertion to provide means for the education of officers for both navy and army, in which they are very deficient. Vigor, discipline, and activity will be infused into their military and marine by the acquisition of Commodore Porter; and if Spain should persist in her insane obstinacy in refusing to acknowledge their independence, his bold and busy talents may yet again be signalized on the shores of Puerto Rico and Cuba. But as to this, the deliberations of the Congress of Panamá will probably determine.

The foreign relations of Mexico are not yet in a perfectly settled state. The republic has interchanged diplomatic agents with Colombia, Great Britain, the Netherlands, and the United States. Her independence has been recognised by Prussia, also; and France, with some other powers, indicates an awkward anxiety to engage in commercial intercourse with her, without being willing to accede to fair terms. Treaties are in the course of negotiation between the republic on the one hand, and England and America on the other; but are not finally accomplished. President Victoria enters cordially into Bolivar's idea of the Congress of Panamá, from which the happiest effects are anticipated upon the reciprocal friendly feelings of all the free nations of the New World.

The relations of Mexico with Spain remain unchanged; and we apprehend will for a long while so continue. Spain is not likely to emulate the prudence of Britain in our own case, and make a virtue of necessity. Procrastinating the evil day of decision, she will sooner suffer all her possessions to be wrested from her by the revolutionary tempest, than condescend, like a ship's crew endangered at sea, wisely to abandon a part of her riches to secure the residue, and save herself. She holds good to the character given of her, centuries ago, by Sir Francis Bacon. 'The Spaniards and Spartans,' observed the philosopher, 'have been noted to be of small despatch. *Mi venga la muerte de Spagna.* Let my death come from Spain; for then it will be sure to be long a coming.' We conceive her chance of reconquering the colonies to be perfectly desperate. In May last, the Mexican legislature determined to receive no proposition from Spain or any other power, but on the basis of independence; and never to give any tribute or indemnity as the price of independence; and at the same time made it highly penal for any Mexican to recommend either, whether in public or private, verbally or in writing. And is it possible that after this they can be *persuaded* back to vassallage? Subdued they cannot be by the *force* of Spain.

The Catholic religion, our readers well know, is established by the constitution as the religion of the republic. In consequence of this, the government have despatched a minister to Rome, to endeavor to arrange its relations with the apostolic see; but the subservience of the latter to Spanish influence, renders the issue of the negotiation somewhat doubtful. It seems, that, although the Pope has professed a disposition to place himself at the head of the church in the new states, on a footing satisfactory to them, yet, not long since, he addressed a circular letter to the American ecclesiastics, urging them to rise against the

revolutionary governments. This letter was perfectly harmless in Mexico; for, on its appearance there, the church dignitaries, with great unanimity, immediately and spontaneously signified their devoted attachment to the republic. The general direction of the church is now in the hands of the Secretary of Justice and Ecclesiastical Affairs, Miguel Ramos Arizpe; and the details are managed by a *junta* appointed by the prelates, to sit in the capital. The inconveniences arising from the want of a *concordat* with the Pope, are extreme; and will compel the Mexicans, if he continues unfriendly to the cause of freedom, to act independently of his authority, The whole number of their clergy is 3,473, of whom only 1240 are employed in the immediate cure of souls. Of nine bishoprics, six are vacant. A large portion of the republic is therefore without any regular ecclesiastical government. In our file of the *Aquila* is a long and able piece, in the form of a Supplement, maintaining with great boldness, that the patronage of the Mexican church should devolve upon the nation. In our apprehension, not only the civil liberty of the people, but their religious welfare, most urgently demands it.

Beside the *territories* belonging to it, the Mexican republic consists of nineteen confederate States. Fourteen of these have already adopted constitutions of their own, which are now successfully in operation; and the remaining five are actively engaged in the organization of their governments. Their municipal laws are as yet substantially those which existed before the revolution; and justice is still usually administered by the *alcaldes*, according to the ancient forms. Among its other multifarious cares, the federal government has been attentive to the task of establishing a proper judiciary, which is speedily to enter upon the general discharge of its functions. The political condition of the country caused robberies to be not uncommon until lately; but this evil has been diminished by subjecting the guilty to trial and punishment by law martial. The minister of justice congratulates his countrymen, that, in a population of eight millions, no extraordinary crime had occurred the past year to disturb the public tranquillity, or affect the regular execution of the laws.

The Secretary for Domestic and Foreign Relations is Sebastian Camacho. The former branch of his duty covers so wide a field, that we will not venture to undertake the examination of the many topics on which he touches, since our limits would compel us to do it so imperfectly. Suffice it to say, that they exhibit a people steadily advancing in public improvement, animated by the spirit of a regulated freedom, and content with a

government of their choice, and a constitution of their own creation. Efforts are making for facilitating internal intercourse by roads and canals; public institutions for the purposes of education and beneficence are protected; agriculture, commerce, and domestic industry are fostered, and begin to manifest the wholesome influences of liberty; the working of the mines is encouraged; and everything, in fine, is done, which, in the present circumstances of the country, a wise and upright government can devise and accomplish, to enable the nation to enjoy the invaluable blessings of independence.

10.—*Strictures on Dr Livingston's System of Penal Laws, prepared for the State of Louisiana.* By Seth Lewis, Judge of the Fifth District in said State. New Orleans. 1825. 8vo. pp. 67.

As we have not had an opportunity of examining Mr Livingston's Code, so far as it is now published, nor of hearing his answer to the Strictures contained in this pamphlet, it would be unjust, if not impracticable, to form a conclusive opinion against him, on the merits of the controversy. Some of the objections urged by Judge Lewis certainly present a formidable aspect; many are at least plausible; while others strike us, from his own showing, as trivial, and betraying more of captiousness than of candid criticism. There are unquestionably great difficulties in the whole system of codification. Laws, ordinarily speaking, grow up with society, and conform themselves gradually, though tardily to its changes. The demands of society, in our own country at least, it must be confessed, are somewhat in advance of legislative improvement. Rules of conduct, which were well suited to the circumstances of our ancestors, are in some cases inconvenient, perhaps injurious, in their operation upon us; and the immense labor of finding out what the law originally was, and tracing all its changes and modifications, whether by legislative enactment or judicial construction, through countless volumes of statutes and reports, foreign and domestic, down to the present time, in order to ascertain with precision what the law is, calls loudly for some system of condensation. On the other hand, the danger of unsettling the foundations of this great and goodly fabric, which has been built up by the wisdom and experience of ages, the extreme difficulty of making written rules prospectively to meet all possible cases, and the fear that change may not be amendment, beget a

natural distrust of general codes; and it would be no disparagement to the acknowledged abilities of Mr Livingston, or of any one mind, however gigantic in its grasp, if a production of this character should fail utterly of satisfying public expectation.

Mr Livingston's plan of apportioning the punishment with a nice graduation to the moral character of offences falling under the same general title, is certainly admirable, as far as it is capable of being carried into practical operation. Approximation is of course all that can be attained; and his execution of this part of the task does not strike us as either absurd or unintelligible; although it is one of the fallacious innovations, against which Judge Lewis inveighs. Nor do we think the project of causing the people to be instructed in the provisions of a penal code, by public readings in the schools, as altogether visionary. Nothing, certainly, can be harder in its operation in many cases, than the well known maxim, *Ignorantia legis neminem excusat*, when coupled with the fact, that very slender pains are now taken to supply the means of knowledge to the great mass of the people. Another point in which we dissent wholly from Judge Lewis, is in regard to that article of the code, by which 'the distinction between a favorable and unfavorable construction of laws is abolished,' and 'all penal laws, whatever, are to be construed according to the plain import of their words, taken in their usual sense, and in connexion with the context.' However preferable it might have been to use the more technical terms, *strict* and *liberal*, applied to to the construction of statutes, rather than 'favorable' and 'unfavorable,' the substance of the rule here laid down, we have always thought the only true rule of construction upon the principles of common law and common sense. The case, which Judge Lewis cites from Blackstone, of a statute making the stealing of sheep *or other cattle*, a capital crime, is strongly in point, and so far from supporting his opinion, seems to us directly against it. What man of common sense would say, on reading this statute, that the legislature, by the words 'or other cattle,' meant absolutely nothing? Yet the judges of England held that the statute, because it was a penal statute, must be construed strictly, and that the words, *or other cattle*, were far too loose to bring any one within the penalty; although, if the same words had been used in a statute of a different character, an ox might have stood as good a chance for its protection as a sheep.

Such certainly was not the intent of the legislature; and what have judges to do with the written law but to carry it into effect, according to its plain meaning?

We find another instance of unsound criticism, according to our views, in the remarks of the learned judge on an article

'of most pernicious tendency,' which says, 'Amendments should be permitted in all cases where neither the accused nor the public prosecutor can be surprised.' The chief ground of cavil is, that 'an amendment might so vary the charge, as to require entire new grounds of defence.' But this surely could not be occasioned by any amendment, which would not operate as a surprise to the accused. Nothing, we apprehend, would surprise a man more than to find himself, when indicted for one crime, about to be tried for another. The mischief now is, that indictments are often quashed for informalities, although the substance of the charge may be apparent enough to common minds; and then the rule, that no man's life shall be twice jeoparded for the same offence, turns an unhung felon loose to prey upon society once more.

But there are one or two serious objections to the proposed code, which are urged upon our notice with great force. We agree with Judge Lewis in thinking, that no innovation can be more pernicious than that of discarding old law terms of settled meaning, and substituting new ones, which have a meaning yet to be found; except, indeed, that of retaining the old terms with new significations attached to them. Both these errors are said to pervade the code throughout; and instances are adduced, which seem to support the charge. The warm advocates of codification, we presume, consider this, however, essential to their scheme; as it is one of their fundamental principles, that the code is to supersede and explode all existing law, and future judges are to look to nothing but the *lex scripta*, which is in itself to define every possible offence, and apportion its exact degree of punishment to each. The *theory* is sublime! Another striking fault, is the many penal provisions for securing the integrity of courts, and guarding against secret corruption; such, for example, as fining a judge in the amount of six months salary, for receiving a gift of any assignable value, from any person other than a relative. Provisions of this nature would be extremely injurious in their tendency, and destroy all public confidence in the guardians of the law. Judges should be above suspicion of crime, or their usefulness is destroyed. While the offence, which this law contemplates, is secret, no law can reach it. The moment it becomes notorious, 'the lash of public opinion,' and the danger of loss of office and hard earned reputation, are the severest punishments that can be inflicted, and of course afford the most effectual checks.

Of a similar character are those provisions which abolish 'all proceedings against offences heretofore denominated contempts,' and restrict the ability of courts to protect themselves from in-

sult and impertinence within very narrow limits. With only such restraints the law, in times of turbulence, could never be administered, and courts would become passive instruments of the ruling faction of the day. The remarks of Judge Lewis upon these subjects, seem to us sound and powerful. Upon the whole, we would recommend this pamphlet to the attentive consideration of all advocates for new codes; with due allowances, however, for a little illiberal zeal in favor of an excellent thing, the common law, which, like the common blessings of light and air, is not always duly appreciated, because we are not constantly sensible of its effects.

11.—*El Nacional;* a political Journal commenced at Buenos Ayres December 23d, 1824, and continued weekly to the present time. 8vo.

The periodical and newspaper publications of the several South American States, are numerous; and, if we may venture to judge of their general character, from the specimens which we have perused, we should say, without reserve, that the liberty of the press is used in those states with an intelligence and discretion, which ensure, better than successful battles or constitutions and laws can do, the lasting continuance of it. There may be, and there doubtless are, instances of licentiousness, which have not reached us, and would not be well understood if they did; for it is a characteristic of scurrility and personal abuse, that they are as confined in their existence as in their aim, seldom being seen or understood far from the time and place of their production. It is an invaluable privilege, to have these moral maps on a large scale, such as newspapers and other periodical works now afford, occasionally spread before us. They enable us to judge of the political and social condition, the manners, customs, passions, and improvements of a people, almost as well at our own firesides, as we could do by dangerous voyages, painful and expensive travel, and personal observation. They introduce us at once to the business and bustle, the interests, affections, and prejudices of a community, however remote in time or place. If any one doubts this position, and calls for proofs, we would send him to a file of our own revolutionary papers; and if he does not become immediately and deeply interested in the changing scenes of '75, he cannot be an American, scarcely a man.

The *Buenos Ayres Nacional* has been the immediate cause of these reflections, and is one of the specimens from the South

American press, from which we have received the impression already declared. In justice to the enlightened politicians and excellent classical scholars in Brazil (the contents of her journals prove that many of both exist there), we would observe, that this general opinion has not been formed without reference to the press in that country, as well as in the republics. There is no place at this time, where the press, and consequently its purity, are so important as in South America; and it is evident, that its power and importance are pretty well appreciated, from the fact, that it appears to be conducted with prudence and ability. The first citizens do not disdain the direct, extended, and prompt mode of bringing their own minds to bear on those of their fellow citizens, which the daily, the weekly, and the semiweekly journal supplies.

The following translations from an article, with which the *Nacional* commences the New Year in January last, entitled, 'A general Review of Europe and America,' for the year which had just ended, will serve to show the spirit, the sense, and the information with which our brethren of Buenos Ayres are using the inestimable privilege of a free press. The writer is speaking of Austria.

'The House which rules this empire,' says he, 'can never answer the heavy charges, which humanity can bring against it. The Emperor not only commanded his slaves to crush the kingdom of Naples, which sought a system of government adapted to the improvements of the age; not only has he stubbornly persevered in this barbarous purpose, continuing a part of the army of occupation in that kingdom, contrary to the wishes of all liberal men, and of the king of Naples himself; but he has also attempted to reassemble the Holy Alliance at Milan, that they may occupy themselves about the affairs of Greece and of America, with the same benevolent view, with which they formerly interested themselves in the affairs of Naples.

'The prince, who gives vitality to this coalition, prince Metternich, born to be a faithful attendant at all the councils of despotism, was despatched to represent Austria in that assembly; but, in this instance, he was compelled to quit the field by the outcries, which arose from the necessities and sentiments of the time. His retirement from Milan might with more propriety be called a total rout, than a quiet return from a diplomatic mission.

'The hostilities of this power toward America have never ceased. Certain remittances of *soldiers* from Francis the Second of Austria to his son in law, Don Pedro the First of Brazil, some of whom have fallen under the edge of *Oriental* steel, have aug-

mented the desire, which before existed in this part of the world, that Austrian despotism may soon be summoned by Providence to a lasting repose.'

Under the head of *Greece*, the Review of whose affairs, for the year 1825, is the longest and most interesting of all, the writer again speaks of the policy of the House of Austria, that House which does not desire to have learned and reading subjects, as follows.

'During these transactions the cause of Greece, which was the cause of liberty, had powerful enemies in Europe itself; because the frightful system of the Holy Alliance, which was then entirely ascendant, would not admit of any modification whatsoever, not even in favor of humanity. Hence it was, that the world beheld with amazement, armaments and subsidies proceeding to the Turks from the ports of more than one Christian nation; and the House of Austria has almost taken the field with its armies, to aid in the battles, and to share the triumphs of the barbarians! Her periodical and daily presses have, with a refined malice, acted a most unworthy part with respect to Greece.'

We can never be indifferent as to what a distant, friendly, growing, and *confiding* Republic may say of ourselves. The following is a translation of that part of the Review, which speaks of the United States.

'This is the Northern Luminary, which guides the rest of the Republics in the work of liberty. As the principles, on which her government rests, do not depend upon men, but upon her excellent institutions, she is not for ever exposed to the vicissitudes and the arts of political management. Her policy has been substantially the same, from the first election of the immortal Washington, to the retirement of the venerated Monroe; and will unquestionably continue the same through the presidency of the illustrious statesman, Adams; and so on to future generations. In the month of March of the past year, the election of President took place, and the choice fell on that distinguished citizen; an election, which was the result of the most luminous discussions, and of the close scrutiny of character, with which, in that favored nation, these solemn public acts are performed. She has, during the same year, shown herself as generous as just, in paying the debt of gratitude to the celebrated Lafayette; and in concluding a treaty of amity and commerce with the Republic of Colombia. She will pursue the same policy in regard to other states, her natural allies; and, free from the engagements which fetter the nations of the old world, she tenders us a friendship, the more sincere and lasting in itself, as it is

more pure in the source from which it emanates. She has received the ministers of America without either the compliments or the repulsive reserve, which etiquette in other countries exacts; and stationed by Providence in the vanguard of the allied Republics, she forms the rallying point for all those engaged in the great work of consolidating American liberty.'

We could proceed with pleasure to present our readers with other parts, and views of other subjects, from these papers, sure, as we are, that they would not prove uninteresting or useless; but we must, for the present, confine ourselves to the expression of our approbation of the matter and the style of the *Nacional.* For sound, practical, and comprehensive views of government, education, and social order, for good temper, and for intelligence on the subjects of which it undertakes to treat, we know of no work of the kind, at home or abroad, with which it need fear a comparison.

12.—*Coleccion de los Viages y Descubrimientos, que hicieron por Mar los Españoles desde Fines del Siglo XV; con varios Documentos inéditos concernientes á la Historia de la Marina Castellana y de los Establecimientos Españoles en Indias; coordinada é ilustrada por* Don Martin Fernandez de Navarrete, de la Orden de San Juan, Secretario de S. M. &c. 2 tom. 8vo. Madrid, en la Imprenta Real. Año de 1825. De orden de S. M.

Whatever relates to the first discoveries and early history of the New World, is every day becoming an object of deeper curiosity, not more in Europe than among ourselves. The American public has already been informed of the publication of a series of papers and documents, within a few months past, at Madrid, throwing much light on the life, adventures, and discoveries of Columbus. These are contained in the volumes before us, and we find them much more valuable as affording authentic materials for history, than we had anticipated. It is necessary to premise, that the object of the author, Señor de Navarrete, is to publish an extensive work, consisting chiefly of inedited papers, gathered from the ancient archives and libraries of Spain, and designed to be a history of the discoveries made by the Spaniards in various parts of the world, beginning at the close of the fifteenth century. The two volumes now published are the first of the series, and relate exclusively to Columbus.

To the first volume is prefixed a long Introduction, in which the author developes his plan, and gives some account of his progress. He sketches an outline of the state of nautical science in Spain, previous to the enterprises of Columbus, and then goes very fully into an examination of the writers, who have described the acts of the great navigator, particularly those who wrote or lived during his lifetime; among whom were Bernaldez, Peter Martyr, Ferdinand Columbus, Las Casas, and Oviedo. These writers have been the authorities for succeeding historians, nor does the author attempt to weaken the general confidence in them, but his criticisms are bold, candid, and discriminating. He makes it appear, that they were often led astray by their credulity or ignorance, and sometimes by less excusable causes; and although their advantages, in being contemporary with Columbus, enabled them to narrate with accuracy the more prominent events of the time, yet, as they had not access to the numerous unpublished documents, which regulated the movements and unfolded the motives of Columbus, their descriptions must consequently be in many respects imperfect and erroneous. These documents are now brought to light, collected by long research and with great labor, from libraries in different parts of the kingdom. It is more than thirty years since the inquiry for these and other manuscripts was set on foot, and it has been prosecuted with the aid of royal patronage.

The remainder of the first volume, after the Introduction, is occupied by the four voyages of Columbus, separately written, and also several original letters, to which are added other papers by way of illustration. The first voyage is an exceedingly curious document, consisting of about two hundred pages, and written in the form of a journal or diary at sea, each day being noted, and its events recorded, from the time Columbus left Spain till he returned. The manuscript was found accidentally by the author, in the archives of the Duke del Infantado, and in the handwriting of Las Casas. This writer possessed many of Columbus's original papers, which he used in composing his History of the Indies, and from these papers it is understood, that this journal was drawn up by Las Casas himself. In the margin of the manuscript there are also notes in the handwriting of Las Casas. The author speaks of another ancient copy of the journal, but not so old as this. No shadow of suspicion seems to rest on its authenticity, and it must be considered far the most remarkable and curious record in the annals of navigation.

The second voyage is from the Latin of Peter Martyr, but this, as well as the third and fourth, is written in the form of a general narrative, and not as a diary. The manuscript of the third voy-

age was found with that of the first, and in the handwriting of Las Casas.

Two large charts are attached to these voyages, constructed by the author from what he deems the most authentic materials. The first exhibits the track of Columbus in all his voyages across the Atlantic; and the second, the courses he sailed among the West India islands, and along the main land. The whole purports to be an accurate delineation of the courses of his ship, and the points at which he touched, during his four voyages.

The most remarkable feature of these charts is the change of the place, where Columbus first discovered land. Till this work appeared, it had always been taken as a point not to be questioned, we believe, that the first land he saw was the island of St Salvador, or what the natives called Guanahani, between the parallels of 24° and 25°, and in 75° west longitude. But the author uses strong arguments to prove, that this could not have been the island first discovered, and he fixes upon the largest of the Turk's Islands, in latitude 21° 30′, and longitude 71°, being more than three hundred miles to the south east of St Salvador. He is very confident as to the accuracy of this deviation from the popular opinion, and his reasonings are forcible.

The second volume of the work is composed of official papers, called *Diplomatic Documents*, arranged in chronological order, beginning June 25th, 1474, and ending January 16th, 1515. Each paper is accompanied with its appropriate date, and a note stating the library, or archives, in which the original is deposited. They relate in various ways to the public affairs of Columbus, and, in connexion with the public documents recently published at Genoa, called *Codice Diplomatico Colombo-Americano*, (see North American Review, Vol XXI, p. 398, for Oct. 1825) they probably supply all that can be desired to present a complete view of the subject. In one of these documents, Columbus states expressly in two separate places, that he was born in Genoa; *siendo yo nacido en Genova;* and again, *en ella nací.* It is well known, that a spirited controversy has been kept up for many years in Italy, respecting the birthplace of Columbus, this honor having been claimed by several cities. A knowledge of the three words last quoted, and of the document in which they are contained, would have prevented this warm contest, and saved a vast expense of time and temper in composing, and of patience in reading, the learned disquisitions, that have been sent out on both sides of the question.

As we intend hereafter to spread the contents of these very curious volumes more at large before our readers, we shall forbear saying more at present. We hope they will be translated.

and given to the public in our vernacular tongue. It is a tribute, which every American, whatever language he may speak, owes to the great name of Columbus, to preserve and cherish everything that tends to impress more deeply on the memory the testimony of his great deeds and character, and to kindle the warmest veneration and gratitude, which, after all, are but feeble returns for the perils he encountered, and the sacrifices, sufferings, and mortification he endured, in discovering a new world, and laying the foundation of future empires. If we estimate greatness by the consequences of a man's conceptions and acts, and by the virtuous means employed in attaining extraordinary ends, the name of Columbus stands out on the list of fame, alone, unapproached, and unapproachable. There was but one new world to discover, and the exploits of an Alexander, a Cæsar, a Bonaparte, fade away into insignificance, when compared with the sublime picture of Columbus, crossing the trackless ocean in search of a world unknown, but which his superior genius had told him must exist; and when compared with his struggles against the tide of fortune, the jealousy of powerful rivals, and the perfidy of kings, in establishing the conquests of his enterprise and talents. And if we look at results, all the efforts of all that have been called great, are but a feather in the balance against the train of consequences, that has flowed, and will continue to flow, from the discoveries of Columbus. It is, therefore, peculiarly proper, that these papers should be translated and published in America.

A rumor has gone abroad, that our distinguished countryman, Washington Irving, is engaged in the task at Madrid, but we have the best authority for stating, that this is not the fact. We believe he had it in contemplation, and went to Spain partly for this purpose, but at length relinquished the project, as not altogether in accordance with his former habits of thought and study. We trust he is employed in compositions which will demand more from his own resources, and that his name will continue to shine, as heretofore, with its own lustre. Other writers may translate with elegance and accuracy, but to whom shall we look, except to the author himself, for a continuation of the 'Sketch Book?' Let these interesting documents be translated and published here. It is a proper object for the enterprise of any individual, or even the patronage of government. They certainly pertain as much to us as to Spain, and yet they have been printed in Madrid, not only with the approbation of the king, but at his royal press, and on his account. We should be mortified to have it directly stated, that we do less as a nation for the cause of letters, and our own history, than the government of Spain, whose liberality and literary propensities we are not in the habit of extolling.

Here is a case, however, in which it would be a wise, a liberal, and generous course to follow in the steps of Ferdinand.

Señor de Navarrete intends continuing his work with despatch. The third volume will contain documents relating to discoveries in Florida, and on the main land round the Gulf of Mexico; and the fourth will be devoted to the conquests of Cortes. He will then proceed in course to the expeditions to La Plata, the Straits of Magellan, Chili, Peru, and California, to the discoveries in the South Sea, and to the Molucca and Philippine Islands; thus embracing the whole compass of Spanish discoveries by sea, during the last three hundred years.

We shall translate here a remarkable statement, which the author introduces as a note in his first volume, and in which the invention of the steam boat is ascribed to a Spaniard nearly three hundred years ago. The account is as follows.

'Blasco de Garay, a sea captain, exhibited to the emperor and king, Charles the Fifth, in the year 1543, an engine by which ships and vessels of the larger size could be propelled, even in a calm, without the aid of oars or sails.

'Notwithstanding the opposition which this project encountered, the emperor resolved, that an experiment should be made, as in fact it was with success, in the harbor of Barcelona, on the seventeenth of June, 1543.

'Garay never publicly exposed the construction of his engine, but it was observed at the time of the experiment that it consisted of a large caldron or vessel of boiling water, and a moveable wheel attached to each side of the ship.

'The experiment was made on a ship of two hundred tons, arrived from Colibre to discharge a cargo of wheat at Barcelona; it was called the Trinity, and the captain's name was Peter de Scarza.

'By order of Charles the Fifth, and the prince, Philip the Second, his son, there were present at the time, Henry de Toledo, the governor Peter Cardona, the treasurer Ravago, the Vice Chancellor Francis Gralla, and many other persons of rank, both Castillians and Catalonians; and among others, several sea captains witnessed the operation, some in the vessel, and others on the shore.

'The emperor and prince, and others with them, applauded the engine, and especially the expertness with which the ship could be tacked. The treasurer, Ravago, an enemy to the project, said it would move two leagues in three hours. It was very complicated and expensive, and exposed to the constant danger of bursting the boiler. The other commissioners affirmed that the vessel could be tacked twice as quick as a galley, served by the

common method, and that at its slowest rate it would move a league in an hour.

'The exhibition being finished, Garay took from the ship his engine, and having deposited the woodwork in the arsenal of Barcelona, kept the rest himself.

'Notwithstanding the difficulties and opposition thrown in the way by Ravago, the invention was approved, and if the expedition, in which Charles the Fifth was then engaged, had not failed, it would undoubtedly have been favored by him. As it was, he raised Garay to a higher station, gave him a sum of money (200,000 maravedies) as a present, ordered all the expenses of the experiment to be paid out of the general treasury, and conferred upon him other rewards.

'Such are the facts collected from the original registers, preserved in the royal archives at Samáncas, among the public papers of Catalonia, and those of the secretary at war, for the year 1543.'

This statement was communicated to the author in a letter from *Thomas Gonzalez*, dated at Samáncas, the twentyseventh of August, 1825; and it would appear, that he had recently consulted the public records to which he refers.

A Review of the 'Diplomacy of the United States,' and also one of the 'Life of Theobald Wolfe Tone,' we are obliged to defer.

QUARTERLY LIST OF NEW PUBLICATIONS.

ARTS, SCIENCES, &c.

A Geometric System for the Measurement of the Area of a Circle, or any of its Sectors. By Edwin W. Jackson. New Brunswick. 8vo.

Reports of William Strickland, Esq. Engineer, Agent for the "Pennsylvania Society for the Promotion of Internal Improvement," on a Tour through Great Britain, in 1825. Philadelphia.

A Manual of Chemistry, on the basis of Professor Brande's, containing the principal Facts of the Science, arranged in the Order in which they are discussed and illustrated in the Lectures at Harvard University, New England. Compiled from the works of Brande, Henry, Berzelius, and others. By John W. Webster, M. D. Boston. 8vo. pp. 603.

A Manual of Mineralogy and Geology, designed for the Use of Schools, &c. By Ebenezer Emmons, M. D. Adopted as a Text Book in the Rensselaer School, Albany.

Conversations on Natural Philosophy, in which the Elements of that Science are familiarly explained. Illustrated with Plates. By the Author of Conversations on Chemistry, &c. With Corrections and Improvements, appropriate Questions, and a Glossary, by Dr Thomas P. Jones.

BIOGRAPHY.

Memoirs of the Rev. Thomas Baldwin, D. D. late Pastor of the Second Baptist Church in Boston, who died at Waterville, Maine, August 29, 1825. Together with a Funeral Sermon, occasioned by his Death, by the Rev. Daniel Chessman, Hallowell, Maine. Boston.

The Life of George Washington, Commander in Chief of the American Army, through the Revolutionary War; and the first President of the United States. By Aaron Bancroft, D. D. 2d edition. Boston. 2 vols. 18mo.

The History of Pirates; containing the Lives of those noted Pirates, Captains Misson, Bowen, Kidd, Tew, &c. and a correct Account of the late Piracies committed in the West Indies. Haverhill, Mass. 12mo. pp. 276.

EDUCATION.

The American Definition Spelling Book. By Abner Kneeland. Concord, N. H. 12mo.

Cubi's Spanish Grammar. Third Edition. Baltimore. 12mo.

Le Traducteur Français; or, a New and Practical System for Trans-

lating the French Language. By Mariano Cubi y Soler. Baltimore. 12mo. pp. 392.

Mr Cubi has formed this work nearly on the plan of his *Traductor Espanol*, which we noticed on a former occasion. It contains a selection of short and appropriate pieces from the best French writers, with notes in English explaining such words and phrases, as throw difficulties in the pupil's way. The object is to present the greatest possible facilities to beginners, in the study of the French language. The verbs are designated by being printed in italics, and an attempt is made in the margin to render the French idioms accurately into English. The author also endeavors to assist pronunciation by writing the French words with letters retaining the English sounds. We have some doubts of the success of this plan, as we do not believe any tolerable accuracy of pronunciation can be communicated, except by the living voice. *Experientia docet*, and Mr Cubi's judgment must be better than ours. By arranging his Vocabulary in a strictly alphabetical order, we are convinced he has improved on that of his Traductor Espanol.

The Accountant's Assistant, or Complete Interest Tables. By Almon Ticknor.

Primary Lessons in Arithmetic. By Frederic Emerson. Boston. 18mo. pp. 31.

An Analytical Guide to the Art of Penmanship; in which the correct Principles of the Round and Running Hands are systematized and simplified. By Enoch Noyes. Boston.

The Greek Lexicon of Schrevelius, translated into English, with many Additions. Boston. 8vo. pp. 896.

This elaborate work, for which the public has so long been looking, and latterly with some degree of impatience, has at length appeared, and is finished in a manner which we cannot doubt will fully answer the high expectations, that were excited by a knowledge of the source in which it was understood to originate. We have not room now to add one remark of our own, but hope on a future occasion to do justice to so honorable and useful a literary enterprise. Meantime, two or three brief extracts from the preface will afford some hints, in regard to the character and purpose of this Lexicon.

'The basis of the work is *Schrevelius's* well known Lexicon; which, on the whole, in the present state of Greek studies in this country, was thought preferable to any other manual adapted to *the use of schools*.

'That work has been long in general use in England, and has passed through numerous editions in that as well as other parts of Europe.'

'In the execution of their task the Editors have not contented themselves with being translators of Schrevelius's Latin interpretations, which are often ambiguous and unsatisfactory; but they have, to the best of their ability, rendered the English explanations from the original Greek. It will be at once perceived, that the significations given are more copious than the Latin ones of Schrevelius. This has been occasioned partly by the difficulty of always finding single English words, which would correspond to the Greek so exactly as many of the Latin terms do; but principally from a desire to obviate the embarassment arising from the ambiguity of the general terms used in the Latin, by substituting for them English significations less general and of course more precise. It has been the intention of the Editors, that the work should comprehend all the words which are to be found in Professor Dalzel's Collectanea Majora and Minora, Jacobs's Greek Reader, and the other books now studied in our schools and other seminaries of learning; but, notwithstanding the pains taken in this respect, they dare not flatter themselves with having accomplished it. Any omissions of this kind, however, may be supplied in a future edition.'

'In the progress of the work almost all the Lexicons extant have been occasionally consulted; those which have been most frequently resorted to are Hedericus, Planche's excellent *Dictionnaire Grec-François*, and Schneider's admirable *Griechisch-Deutsches Worterbuch*; and, for Scriptural words, the highly valuable edition of Wahl's *Lexicon to the New Testament*, by Mr Robinson, of the Theo-

logical Institution at Andover. The learned Lexicon of Dr Jones was not received, until so much progress had been made in the present work as to prevent much use of it; and, just before the last sheets were printed off, a copy of the London translation of Schrevelius reached this country; which, till the Editors had looked into it, made them regret that they had not sooner met with it. A slight examination, however, made it apparent, that although it contained many additional words, yet it was a hurried performance, upon which it would not have been safe to rely.'

American Popular Lessons, chiefly selected from the Writings of Mrs Barbauld, Miss Edgeworth, and other approved authors. Eigth Edition. New York. 18mo.

A New Method of Book-keeping, accompanied by a Key. Second Edition. By T. Irvine Hitchcock.

Intellectual Arithmetic, upon the Inductive Method of Instruction. By Warren Colburn, A. M. Boston. 18mo. pp. 172.

Lights of Education, or Mr Hope and his Family; a Narrative for Young Persons. By a Lady. Second Edition. Baltimore. 18mo. pp. 179. A second volume of this work is in press.

Walker's Critical Pronouncing Dictionary and Expositor of the English Language. Abridged for the Use of Schools. Boston. 18mo.

Publius Virgilius Maro. Bucolica, Georgica, et Æneis. Accedunt Clavis Metrica, Notulæ Anglicæ, et Quæstiones, nec non Index Vocabulorum uberrima. Curâ B. A. Gould. In Usum Scholæ Bostoniensis. Bostoniæ. 8vo. pp. 809.

The Second Book, or Reading Lessons for Primary Schools. Boston. 18mo. pp. 142.

A Just Standard for Pronouncing the English Language. By Lyman Cobb. Revised Edition. Ithaca, N. Y. 12mo. pp. 168.

Juvenile Philosopher; or, Youth's Manual of Philosophy. In Four Parts. Second revised Edition. Geneva, N. Y. 18mo. pp. 372.

The American Instructer. Second Book. Designed for the Common Schools in America. By Hall J. Kelly, A. M. Second Edition. Boston. 12mo. pp. 168.

Geography; or, a Description of the World. In three Parts. Accompanied with an Atlas. To which is added, an easy Method of constructing Maps, illustrated by Plates, for the Use of Schools and Academies. By Daniel Adams, A. M. Ninth Edition. Boston. 12mo. pp. 323.

HISTORY.

A Chronological History of New England, in the form of Annals; being a summary and exact Account of the most material Transactions and Occurrences relating to this Country, in the Order of Time wherein they happened, from the Discovery of Capt. Gosnold, in 1602, to the Arrival of Gov. Belcher, in 1730. With an Introduction, containing a brief Epitome of the most considerable Transactions and Events abroad. From the Creation. By Thomas Prince, M. A. Boston. 8vo. pp. 439.

Annals of the Town of Keene, from the First Settlement, 1736, to the Year 1790. By Salma Hale. Concord, N. H. 8vo. pp. 69.

History of the State of New York. By Joseph W. Moulton. Part II. New York. 8vo. pp. 95.

Memoirs of the Historical Society of Pennsylvania. Philadelphia. 8vo. pp. 208.

A Sketch of the First Settlement of the several Towns on or in

Long Island, with their Political Condition to the End of the American Revolution. By Silas Wood. Revised Edition.

LAW.

The Interesting Trial of William F. Hooe, for the Murder of William Simpson; with the Speeches of the Counsel upon the Occasion, &c. New York.

Hammond's Reports. Vol. II. Part I.

The Justice's Guide, or Directory for the Justices of Peace in the State of New York. By a Gentleman of the Bar. Price $1,50.

The Opinion of the Circuit Court of the United States, Eastern District, of Virginia, pronounced by Marshall, Chief Justice, in the celebrated case of Garnett, Ex. of Brooke *v.* Macon. Richmond.

The American Pleader, or Lawyer's Guide. By William Waller Henning, Counsellor at Law. Vol. II. Price $6, calf. Richmond.

The Rules of the Court of Common Pleas, revised by order of Judge Irving. New York.

MATHEMATICS.

An Experimental Treatise on Optics, comprehending the leading Principles of the Science, and an Explanation of the more important and curious Optical Instruments and Optical Phenomena; being the Third Part of a Course of Natural Philosophy, compiled for the Use of the Students in the University of Cambridge, New England. By John Farrar, Professor of Mathematics and Natural Philosophy. Cambridge. 8vo. pp. 349.

MECHANICS.

Evans's Millwright's Guide. A new and improved Edition. With Plates. 8vo.

MEDICINE.

The Medical Formulary; being a Collection of Prescriptions, derived from the Writings and Practice of many of the most eminent Physicians in America and England. To which is added, an Appendix, &c. By Benjamin Ellis, M. D. Philadelphia. 8vo. pp. 108.

The Importance of the Sciences of Anatomy and Physiology as a Branch of General Education; being an Introduction to a course of Lectures to the Upper Classes in Brown University. By Usher Parsons, M. D. Cambridge. 8vo. pp. 32.

Memoir on the Topography, Weather, and Diseases of the Bahama Islands. By P. S. Townsend, M. D.

MISCELLANEOUS.

The American Masonic Register, or Ladies' and Gentlemen's Magazine. By Luther Pratt. Price $1.

A View of the Conduct of the Executive of Virginia, in relation to the Execution of the Act of the 7th of January, 1826, making provision for furnishing the Magistrates of this Commonwealth with 'Henning's Virginia Justice.' By William Waller Henning. Richmond.

Massachusetts Domestic Missionary Society. The Eighth Annual Report of the Board of Directors, read and accepted at the Annual Meeting, held in Fitchburg, June 29, 1826. Boston. 8vo. pp. 28.

An Account of the Salt Springs at Salina, in Onondaga County, State of New York. With a Chemical Examination of the Water and of several Varieties of Salt, manufactured at Salina and Syracuse. By Lewis C. Beck, M. D. New York.

A Catalogue of the Officers, Teachers, and Graduates of Transylvania University, Lexington, Kentucky. pp. 16.

The following is a historical sketch of Transylvania University, printed as an introduction to this Catalogue.

'In 1780, the legislature of Virginia appropriated 8000 acres of land for a public school in the County of Kentucky. In 1783, the word *County* was changed for *District*, and the school was denominated TRANSYLVANIA SEMINARY. There were twentyfive Trustees, a majority of whom were necessary to form a quorum to do business. This Seminary had all the rights and privileges of a University. An appropriation of 20,000 acres of land was made for its use, and the professors and students were freed from military duty. The President and five of the Trustees were required to sign the diplomas. A small library and philosophical apparatus were given by the Rev. John Todd of Virginia. The first master was the Rev. James Mitchell, who entered upon the duties of his office in 1785. The Seminary was fixed at Lexington in 1788, and 640 acres of land were given to it. In 1791, there were but five scholars in it, under the care of Isaac Wilson. Kentucky was made a State on the 1st of June, 1792. The Rev. James Moore was elected the first President of the Seminary in 1793. In 1794, the KENTUCKY ACADEMY was instituted with eighteen Trustees. Of this Academy, the Rev. Andrew Steel, A. B. was the first tutor. In December, 1798, the Kentucky Academy was united to the Transylvania Seminary, and the name of TRANSYLVANIA UNIVERSITY was adopted. In 1818, the legislature of the State, not pleased with its condition, reorganized the institution, and the Rev. Horace Holley was placed at the head of it. At that time, a new and beautiful edifice was completed, and a regular collegiate form was given to the establishment. Three Faculties, Academical, Medical, and Legal, have since furnished instruction to an average number of 350 students annually. The number for the session now closed is 418.'

The Western Harmonic Companion; containing most of the Tunes used in Divine Worship in the Western Country, &c. Lexington, Ky.

Notions on Religion and Politics. By the Puritan Club. Boston. 8vo. pp. 69.

Observations on the Growth of the Mind. By Sampson Reed. Boston. 8vo. pp. 44.

The Prize Book, No. VI., of the Public Latin School in Boston. Boston. 8vo. pp. 31.

Pride's Looking Glass; or, God's Revenge against Extravagance exemplified in a Number of the most Remarkable Cases ever Recorded; chiefly collected in the United States. By M. L. Weems. Augusta, Geo. Price 50 Cents.

Pittsburg in the year eighteen hundred and twenty-six, containing Sketches Topographical, Historical, and Statistical; together with a Directory of the City, and a View of its various Manufactures, Population, Improvements, &c. By S. Jones. Pittsburg. 12mo. pp. 152.

Rudiments of the Spanish Language, carefully arranged, revised, and accented, for the use of Schools, and as a Manual for Travellers. By F. Sales, Instructer in French and Spanish in Harvard University. Boston. 18mo. pp. 144.

The contents of this little volume are arranged under the following heads; 1st, the alphabet and spelling lessons; 2d, a Vocabulary of the most common words in use; 3d, an abridgment of the grammar; 4th, Familiar Lessons; 5th, easy lessons for reading, with literal interlineary translations. This is a very judicious

compend, particularly suited to young children, in whom memory is the chief faculty to be exercised. As the title states, it will also be serviceable to travellers as a vocabulary of common words; and the extreme care bestowed in marking the accents will make it useful in guiding all persons learning the language to a ready and correct pronunciation. In the preface the following account is given of the work.

'The Editor of *Josse's Spanish Grammar* and Compiler of Spanish Extracts, under the title of *Colmena Espanola*, the publication of which has been received so favorably, having been repeatedly solicited by friends and teachers to arrange a more simple method to convey easily the necessary elements of that noble tongue to children, preparatory to the study of the more elaborate and extensive works above expressed, has the pleasure to announce that he has been able to comply with that flattering request, and now ventures to publish a small volume which, it is hoped, will answer that desirable purpose.'

Mr Sales's long experience, as a successful teacher, is as good a pledge as can be desired of the merits of this performance.

The Philadelphia Souvenir; or, a Collection of Fugitive Pieces from the Philadelphia Press. With Biographical and Explanatory Notes. By J. E. Hall. Philadelphia. 18mo. pp. 212.

Proceedings of a Meeting of the Friends of Civil and Religious Liberty, residing in the District of Columbia, assembled at the City Hall, Washington City, on the 20th of June, 1826.

A Memoir of the French Protestants, who settled at Oxford, in Massachusetts, A. D. 1686; with a Sketch of the entire History of the Protestants of France. By Abiel Holmes, D. D. Cambridge. 8vo. pp. 83.

Enciclica del Papa Leon XII, en Auxilio del Tirano de España Firnando VII; con una Disertacion en Sentido opuesto; por Felix Megia. Philadelphia. 12mo. pp. 64.

The author of this treatise has taken upon himself a somewhat singular task, to be performed in this country, that of proving the Pope to have no power in political and civil matters. It must be remembered, however, that the book was written particularly for South Americans, and that the Pope two or three years ago undertook to counsel the people of the south, through their archbishops and bishops, respecting their political rights and duties, thereby abetting, as would appear from the above title, the tyranny of Ferdinand. Mr Megia thinks it incumbent on him to resist such pretensions in the Bishop of Rome, and show that he acts without authority, and in violation of the rights of the people. After introducing the Pope's circular letter at length, he proceeds to discuss the following topics;

1. Concerning the limits of the Pope's authority in the exercise of his spiritual power; and the use of this same power, in regard to its influence on the sovereignty and independence of nations.
2. The authority of the Pope, compared with that of other Bishops.
3. The right of nations to establish their own government.

The two first subjects lead the author back into remote times, even to the age of Moses and Joshua; from which he comes down to the Savior and Apostles; and lastly to the Fathers, and the spiritual men of the middle ages. The last topic he despatches without much ceremony, and insists that all people have a right to govern themselves in their own way, and that neither popes nor kings have any thing to do in the matter, farther than is indicated by the voice of these same people. In short, Mr Megia takes the true republican ground, and sustains it manfully. We will translate a paragraph from his recapitulation.

'I have proved that the authority of the Roman Pontiff is purely spiritual, and cannot in any way influence the sovereignty and independence of nations; that the agency which the present Pope pretends to exercise over the sovereignty and independence of the people of America is abusive, illegal, unjust, and contrary to the precepts of our Savior and his Apostles, as contained in the sacred Scriptures: I have indicated some of the excesses of power, of which the Popes have been guilty, and have made it manifest, that the episcopal jurisdiction of the Pope ought

not to extend beyond the diocess of Rome, and that this jurisdiction is the same in all respects as that held by other bishops in their diocesses. I have exposed the usurpation of the Pope over these bishops, and the cause which produced it; and have, in short, presented reasons the most convincing why all people ought to be persuaded, that they are authorized, by natural and divine right, to choose such a form of government as they believe will contribute most to the preservation of their rights and their happiness.'

A Letter to the Hon. Isaac Parker, Chief Justice of the Supreme Court of the State of Massachusetts, containing Remarks on the Dislocation of the Hip Joint, occasioned by the Publication of a Trial which took place at Machias, in the State of Maine, June, 1824. By John C. Warren, M. D. Cambridge. 8vo. pp. 142.

Rural Rambles. Boston. 18mo. pp. 72.

Remarks on Prisons and Prison Discipline. From the Christian Examiner. Vol. III. Boston. 8vo. pp. 36.

Fame and Fancy, or Voltaire Improved; containing the Story of Candid. Revised. By Lord Haifair. Boston. 2 vols. 18mo.

The Farmer's Library; or Essays designed to encourage the Pursuits and promote the Science of Agriculture. By Leonard E. Lothrop, Esq. Second Edition, corrected and enlarged. Windsor, Vt. 12mo. pp. 300.

Essays on Slavery; republished from the Boston Recorder and Telegraph for 1825. By Vigornius and others. Amherst, Mass. 8vo. pp. 83.

A Letter on the Principles of the Missionary Enterprise. Boston. 12mo. pp. 40.

Laws regulating the Duties in the Republic of Colombia, and also for establishing certain Posts of Deposit, &c.

First Annual Report of the Board of Managers of the Prison Discipline Society, Boston, June 2, 1826. Boston. 8vo. pp. 88.

The Moral Characters of Theophrastus, in the Græca Majora, literally translated into English. To which are subjoined, Explanatory and Philological Notes, for the Use of Students. Andover. 8vo. pp. 36.

The Student's Walk; or a Sabbath in the Country. By the Author of 'Lilly Douglas.' Boston. 18mo. pp. 108.

Reflections on the subject of Emigration from Europe with a View to Settlement in the United States; containing Brief Sketches of the Moral and Political Character of this country. Philadelphia. 8vo. pp. 24.

A True and Candid Statement of Facts relative to the late Affairs and Proceedings of the Government of Brown University. New Haven. 8vo. pp. 15.

Remarks, Critical and Historical, on an Article in the XLVIIth number of the North American Review, relating to Count Pulaski. Addressed to the Readers of the North American Review; by the Author of the 'Sketches of the Life of Greene.' Charleston, S. C. 8vo. pp. 37.

A Reply to Judge Johnson's Remarks on an Article in the North American Review, relating to Count Pulaski. By Paul Bentalou, Author of 'Pulaski Vindicated.' Baltimore. 8vo. pp. 41.

The Vindication of John Banks of Virginia, against foul Calumnies published by Judge Johnson, of Charleston, S. C. and Dr Charles Cald-

well, of Lexington, Ky. Also the Vindication of Gen. Henry Lee of Virginia; with Sketches and Anecdotes of many Revolutionary Patriots and Heroes. By Henry Banks. Frankfort, Ky. 8vo. pp. 86.

A Sketch of the Internal Condition of the United States of America, and their Political Relations with Europe. By a Russian. Translated from the French by an American, with Notes. Baltimore. 8vo. pp. 163.

Observations on Currency and Finance; by a Looker on. Philadelphia. 8vo. pp. 80.

Carta de Benigno Morales a Felix Megia. Philadelphia. 12mo. pp. 172.

The Question of Retrocession stated. Georgetown, D. C.

MUSIC.

Instructions for the Violin. Compiled and arranged by Alvan Robinson, Jr. Hallowell, Me. 4to. pp. 48.

Flauto Traversiere, or Instructer on the German Flute. Compiled by Alvan Robinson, Jr. Hallowell, Me. 4to. pp. 48.

NOVELS.

The Highlands; a Tale of the Hudson. In Two Volumes. Philadelphia. 12mo.

Hints to My Countrymen. By An American. New York. 12mo. pp. 216.

ORATIONS AND ADDRESSES.

An Address, delivered July 12, 1826, in the Middle Dutch Church, on occasion of the Funeral Obsequies of John Adams and Thomas Jefferson. By Stephen N. Rowan, D. D. New York.

An Address, delivered in Chauncey Place Church, before the Young Men of Boston, August 2, 1826, in Commemoration of the Death of John Adams and Thomas Jefferson. By Samuel L. Knapp. Boston. 8vo. pp. 31.

An Address, delivered at Charlestown, August 1, 1826, in Commemoration of John Adams and Thomas Jefferson. By Edward Everett. Boston. 8vo. pp. 36.

Eulogy pronounced by the Hon. T. U. P. Charlton, on the Lives and Character of Thomas Jefferson and John Adams. Savannah.

An Eulogy on John Adams and Thomas Jefferson, pronounced by the request of the Common Council of Albany, July, 1826. By William Alexander Duer. Albany.

Eulogy on John Adams and Thomas Jefferson; pronounced in Hallowell, July, 1826, at the request of Committees of the Towns of Hallowell, Augusta, and Gardiner. By Peleg Sprague. Hallowell. 8vo. pp. 22.

Eulogy delivered at Belfast, August 10, 1826, on John Adams and Thomas Jefferson; at the Request of the citizens of Belfast. By Alfred Johnson, Jr. Belfast. 8vo. pp. 28.

A Discourse, in Commemoration of the Lives and Services of John Adams and Thomas Jefferson, delivered in Faneuil Hall, Boston, August 2, 1826. By Daniel Webster. Boston. 8vo. pp. 62.

An Oration, delivered at Braintree, July 4, 1826, on the 50th Anniversary of American Independence. By Josiah Bent, Jr. Boston. 8vo. pp. 32.

An Oration, delivered at Ballston, N. Y. on the 4th of July, 1826. By John W. Taylor.

An Oration, delivered in Independence Square, in the City of Philadelphia, on the 24th of July, 1826, in Commemoration of John Adams and Thomas Jefferson. By John Sergeant. Philadelphia. 8vo.

An Oration, delivered at Lyons, N. Y., on the Fourth of July, 1826. By Myron Holley. Canandaigua.

A Public Oration, delivered by appointment, before the Phi Alpha Theta, July 4, 1826. By Benjamin Drake, Esq. Cincinnati. 12mo. pp. 12.

A Discourse on opening the new building in the House of Refuge, New York, established for the reformation of Juvenile Delinquents. By John Stanford, A. M. New York.

A Masonic Address, delivered at Lynn, Mass. June 24. By Caleb Cushing. 8vo. pp. 28.

Uninitiated as we are into the mysteries of the ancient and venerable brotherhood, we cannot be supposed to understand all the points touched upon in this Discourse, yet we have been entertained, as well as instructed, by its perusal. After a short eulogy on John the Baptist, who is called the 'patron saint of the order,' Mr Cushing proceeds to give a brief history of Free Masonry, with which he interweaves occasionally eloquent passages of general reflections. His views of the antiquity of Masonry may be understood from the following extract.

'If these considerations are entitled to any weight, they furnish a clue to guide us through the labyrinth of doubts and uncertainties, which involve the antiquities of Free Masonry. They lead us directly to the connexion between this and the ancient mysteries of the Greeks and the Egyptians; and indicate how it was that architecture became so intimately associated with our order, as to lead to the popular belief that it had its origin in a society of architects. The Eleusinian mysteries of the Greeks, and the ceremonies of the Jews, it is certain, were introduced among those people from Egypt, the immediate parent of the religion and science of all the ancient nations, of whom we possess any authentic knowledge. And to these timehonored institutions, coeval with the indestructible pyramids of Cheops, the hundred gates of Thebes, do we thus follow up the antiquities of Masonry, conducted by a series of separate proofs, each supported upon its own evidence, but all conspiring irresistibly to establish the same fact. I may not, without foul betrayal [?] of the most sacred trust, allude irreverently to our solemn forms of initiation; but thus much I may safely declare, that in the little we know of the Egyptian and Eleusinian mysteries, there is the most perfect resemblance to the proofs, the obligations, and the instructions, which the masonic candidate witnesses and receives. Time, indeed, has ingrafted on them very many things of modern invention; and the nomenclature and allusions are of Jewish derivation; but still in the great results there is a minute similarity, which on examination would strike every observant Mason.'

An Oration on the Fiftieth Anniversary of American Independence. By John Codman. Delivered in Dorchester, Mass. Boston. 8vo. pp. 24.

An Oration, pronounced before the Citizens of Providence, on the Fourth of July, 1826, being the Fiftieth Anniversary of American Independence. By William Hunter. Providence. 8vo. pp. 46.

An Oration, pronounced before the Republicans of Boston, July 4th, 1826, the Fiftieth Anniversary of American Independence. By David L. Child. Boston. 8vo. pp. 40.

An Oration, delivered on Tuesday, the Fourth of July, 1826, it being the Fiftieth Anniversary of American Independence. By Josiah Quincy, Mayor of the City of Boston. Boston. 8vo. pp. 30.

An Oration, delivered at Cambridge, on the Fiftieth Anniversary of

the Declaration of the Independence of the United States of America. By Edward Everett. Second Edition. Boston. 8vo. pp. 54.

An Oration, delivered before the Citizens of Hingham, on the 4th of July, 1826. By Solomon Lincoln, Jr. Hingham. 8vo. pp. 23.

An Oration, delivered in Salem, July 4th, 1826, at the request of the Town, on the Completion of a Half Century since the Declaration of Independence, By Henry Colman. Salem. 8vo. pp. 23.

An Oration, delivered on the 4th of July, 1826, at Northampton, Mass. By George Bancroft. Northampton. 8vo. pp. 26.

An Oration, pronounced before the Associated Citizens of Lechmere Point, Cambridge, Mass. on the memorable Fiftieth Anniversary of American Independence, July 4, 1826. By Benjamin Gleason. Boston. 8vo. pp. 35.

An Address, delivered at the Opening of the Twelfth Exhibition of the American Academy of Fine Arts. By M. Charles Paterson. New York.

An Oration, on the Importance of Scientific Knowledge, delivered before the Providence Association of Mechanics and Manufacturers, at their Fortyseventh Anniversary, April 10, 1826. Providence.

An Address, delivered before the Massachusetts Society for the Suppression of Intemperance, June, 1826. By Gamaliel Bradford, M. D. 12mo. pp. 24.

An Eulogy, pronounced in Providence, July 17, 1826, upon the Characters of John Adams and Thomas Jefferson. By Joseph L. Tillinghast. Providence. 8vo. pp. 28.

An Address to the Whites, delivered in the First Presbyterian Church, on the 26th of May, 1826. By Elias Boudinot. Philadelphia.

An Oration, delivered before the Cheraw Literary Society, on the 22d of February, 1826; being the Day appointed as the Anniversary of the Society. By James F. Canover. Cheraw. 8vo. pp. 23.

Address, introductory to the Exercises of the Pupils of the Institution for Instructing the Deaf and Dumb, &c. By Samuel Akerman, M. D. New York.

Eulogy on John Adams and Thomas Jefferson, pronounced in Newburyport, July 15, 1826. By Caleb Cushing. Cambridge. 8vo. pp. 60.

Oration of Robert Strange, Esq. delivered at Fayetteville, N. C. on the Jubilee of American Independence, July 4th, 1826. Fayetteville. E. J. Hale. 12mo. pp. 31.

Eulogy on John Adams and Thomas Jefferson, pronounced Aug. 10, 1826, at the Request of the Town of Salem. By Joseph E. Sprague. Salem. 8vo. pp. 48.

An Address, delivered before the Philomathean Society of the University of Pennsylvania. By George B. Wood, July 26, 1826. Philadelphia. 8vo. pp. 30.

The larger portion of this Address is devoted to a history of the University of Pennsylvania, in which the author gives a full account of the origin, progress, and and present state, of that ancient institution, together with the names of its principal patrons and officers. As illustrating the history of the literary establishments of the country, this discourse has value. The author's style has few faults, and his language is commonly good, yet he uses *located* and *grade*.

An Oration, delivered at China [Maine], July 4th, being the 50th Anniversary of American Independence. By E. P. Lovejoy. Hallowell. 8vo. pp. 14.

An Address, delivered at Portland, on the decease of John Adams and Thomas Jefferson, Aug. 9, 1826. By C. S. Daveis. Portland. 8vo. pp. 55.

POETRY.

A Descant on Universalism; a Poem. By John Peck. Boston. 18mo. pp. 35.

The Hunter, and other Poems. By Micah P. Flint. Boston. 12mo. pp. 147.

Poems, Religious, Moral, Sentimental, and Humorous; with a Sketch of the Author's Life and Captivity in Tripoli. By William Ray. Second Edition.

Thesaurus Poeticus; or a Poetical Treasure of the Choicest Description, Similes, and Sentiments of the most celebrated Foreign and American Poets. By a Clergyman. New York.

The Harvest Festival, with other Poems. By F. S. H. Boston. 18mo. pp. 79.

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The Daughters of Eve. By a Lady. Published in aid of the New York Female Association, for the Support and Instruction of the Indigent Deaf and Dumb. Schenectady. 12mo. pp. 91.

Oriental Harp; Poems of the Boston Bard. Providence. 8vo. pp. 254.

Eleanor, and other Poems. By Charles W. Thompson. Philadelphia.

The Rest of the Nations; a Poem. By Grenville Mellen. Portland. 8vo. pp. 28.

The Merry Songster, being an excellent Collection of Patriotic, Merry, and Comic Songs. Boston. 12mo. pp. 44.

POLITICS.

The Federalist, on the new Constitution, written in the year 1788, by Mr Hamilton, Mr. Madison, and Mr Jay. With an Appendix, containing the Letters of Pacificus and Helvidius, &c. The numbers written by Mr Madison are corrected by himself. Hallowell, Me. 8vo. pp. 582.

Notes on Political Economy. By J. N. Cardozo. Charleston. 8vo. pp. 125.

This work, written on a subject of great importance in this country, we hope to examine in our next number.

The Administration and the Opposition, addressed to the Citizens of New Hampshire. By Algernon Sidney. Concord. 8vo. pp. 20.

THEOLOGY.

A Plea for the American Colonization Society; a Sermon, preached in St George's Church, New York, on Sunday, July 9, 1826. By the Rev. James Milnor. New York.

Three Sermons, delivered in the First Universalist Church, in the City of New York, on Easter Sunday, March 26, 1826, in which is embodied a Brief Portraiture of Christian Theology. By the Rev. A. Kneeland.

Home Missions; a Sermon, delivered before the Massachusetts Society for promoting Christian Knowlege, in Park Street Church, Boston, May 31, 1826. By John Codman. Boston. 8vo. pp. 43.

A Sermon, delivered July 9, 1826, the Sunday following the Death of John Adams, a former President of the United States. By Aaron Bancroft, Pastor of the Second Congregational Church in Worcester. 8vo. pp. 15.

Collateral Bible, or a Key to the Holy Scriptures, in which all the corresponding Texts are brought together and arranged in an easy and familiar manner. Nos. I. II. III. By Ezra Stiles Ely, D. D. and the Rev. Gregory T. Bedell. Philadelphia and Baltimore.

A Sermon, preached at the Ordination of the Rev. Benjamin Kent, as Associate Pastor with the Rev. John Allyn, D. D. in the Congregational Church in Duxbury, June 7, 1826. By Convers Francis, Minister of Watertown. Cambridge. 8vo. pp. 44.

The Importance and Utility of the faithful Preaching of the Gospel; a Sermon, delivered November 8, 1826, at the Installation of the Rev. Isaac R. Barbour, as Pastor of the Congregational Church and Society in New Ipswich, N. H. By Warren Fay. Boston. 8vo. pp. 36.

The Importance of the Last Promise of Jesus Christ to Christian Missionaries; a Sermon, delivered at Springfield, May 10, 1826, at the Ordination of the Rev. Rufus Anderson, as an Evangelist; and of the Rev. Messrs Josiah Brewer, Eli Smith, Cyrus Stone, and Jeremiah Stow, to the high and sacred Office of Christian Missionaries. By Warren Fay. Boston. 8vo. pp. 40.

Sermons, illustrative of several important Principles of the New Jerusalem Church, designed chiefly for the Use of its Members. By the Rev. M. B. Roche. Philadelphia. 12mo. pp. 116.

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The Death of Christ; being the substance of several Sermons, delivered in Park Street Church, Boston, in the month of January, 1826. By S. Edwards Dwight. Boston. 8vo. pp. 128.

The True Glory of the Church; a Sermon, preached at the Consecration of the Union Wesleyan Church, at Kensington, Penn. January 1, 1826. By Samuel S. Rennard, Trenton. 8vo. pp. 24.

Value of the Bible; a Discourse, delivered at Portland, May 4, 1826, before the Bible Society of Maine. By the Rev. William Allen, D. D. Portland. 8vo. pp. 23.

A Sermon, delivered in King's Chapel, Boston, 9 July, 1826; being the next Lord's Day after the Death of John Adams, late President of the United States. By Henry Ware, D. D. Hollis Professor of Divinity in Harvard University. Cambridge. 8vo. pp. 28.

A Sermon on the Unity and Supremacy of God the Father, delivered in the Second Presbyterian Church in Charleston, S. C. April 22, 1826, By Daniel R. Whitaker. Charleston, S. C. 8vo. pp. 43.

The National Preacher, or Monthly Sermons from Living Ministers. Edited by Austin Dickinson. New York. Nos. I. II. III.

This is a periodical work published monthly, each number to contain one or two sermons, at one dollar a year. Three numbers have appeared; the first containing

Dr Mason's celebrated Sermon on *Preaching the Gospel to the Poor;* the second, a Sermon by Mr Skinner on the *Utility of Prayer;* the third, a Sermon by Mr Dickinson, on the *Sufferings of Christ.* By the title it will be seen, that the work is intended to contain the sermons of living ministers.

Second Series of Letters to Mr Elias Lee, on the Character of the Son of God. By Henry Grew. Hartford. 12mo. pp. 24.

The American Seamen's Hymn Book. By Noah Davis. New York. 18mo. pp. 293.

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END OF VOLUME XXIII.

ERRATUM.

On pages 139 and 140, interchange the final lines of the two poetical extracts, viz. '*And thou maun speak of me*'—'*In thy green vale, Dalveen.*'

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